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PART IV

Section I-A

BILLS INTRODUCED IN THE CENTRAL LEGISLATURE WHICH IF ENACTED WILL APPLY TO MYSORE AND THE REPORTS OF SELECT COMMITTEES, IF ANY, THEREON.

NOTIFICATION.

No. L.D. 3332—Legis. 3-50-17, dated Bangalore, 8th March 1951.

Ordered that the following Preventive Detention (Amendment) 1951 (1 of 1951), published in the *Gazette of India*, Part II, Section 3, dated the 10th February 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

*Legal Remembrancer and
Secretary to Government,
Law Department.*

PART II—SECTION 2

BILLS AND REPORTS OF SELECT COMMITTEES ON BILLS

PARLIAMENT OF INDIA

following Bill was introduced in Parliament on the 5th February, 1951:—

BILL No. 1 OF 1951

A Bill further to amend the Preventive Detention Act, 1950.

it enacted by Parliament as follows:—

Short title.—This Act may be called the Preventive Detention (Amendment) Act, 1951.

2. *Amendment of section 1, Act IV of 1950.*—In sub-section (3) of section 1 of the Preventive Detention Act, 1950 (hereinafter referred to as "the said Act"), for the figures "1951" the figures "1952" shall be substituted.

3. *Amendment of section 2, Act IV of 1950.*—In section 2 of the said Act,—

(a) the word "and" at the end of clause (a) shall be omitted, and

(b) after clause (b), the following clause shall be inserted, namely :—

(c) "appropriate Government" means, as respects a detention order made by the Central Government or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer subordinate to a State Government or as respects a person detained under such order, the State Government.

4. *Amendment of section 3, Act IV of 1950.*—In sub-section (2) of section 3 of the said Act, for clauses (c), (d) and (e), the following clauses shall be substituted, namely :—

"(c) the Commissioner of Police for Bombay, Calcutta, Madras or Hyderabad ;

(d) Collectors in the State of Hyderabad".

5. *Insertion of new section 3A in Act IV of 1950.*—After section 3 of the said Act, the following section shall be inserted, namely :—

"3A. *Execution of detention orders.*—A detention order may be executed at any place in India in the manner provided for the execution of warrants by any law for the time being in force."

6. *Substitution of new sections for sections 4 and 5, Act IV of 1950.*—For sections 4 and 5 of the said Act, the following sections shall be substituted namely :—

"4. *Power to regulate place and conditions of detention.*—Every person in respect of whom a detention order has been made shall be liable—

(a) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the appropriate Government may, by general or special order, specify; and

(b) to be removed from one place of detention to another place of detention, whether within the same State or in another State, by order of the appropriate Government :

Provided that no order shall be made by a State Government under clause (b) for the removal of a person from one State to another State except with the consent of the Government of that other State.

5. *Detention orders not to be invalid or inoperative on certain grounds.*—No detention order shall be invalid or inoperative merely by reason—

(a) that the person to be detained thereunder is outside the limits of the territorial jurisdiction of the Government or officer making the order, or

(b) that the place of detention of such person is outside the said limits."

7. *Amendment of section 7, Act IV of 1950.*—In sub-section (1) of section 7 of the said Act, for the words “against the order, in a case where such order has been made by the Central Government, to that Government and in a case where it has been made by a State Government or an officer subordinate thereto to the State Government” the words “against the order to the appropriate Government” shall be substituted.

8. *Amendment of section 8, Act IV of 1950.*—In section 8 of the said Act,—

(i) in sub-section (2), for the word “two” the word “three” shall be substituted; and

(ii) to sub-section (2), the following proviso shall be added, namely:—

“Provided that where, immediately before the commencement of the Prevention Detention (Amendment) Act, 1951, any reference under section 9 is pending before an Advisory Board, such Board may, for the purpose of disposing of that reference only, consist of two persons.”

9. *Substitution of new section for section 9, Act IV of 1950.*—For section 9 of the said Act, the following section shall be substituted, namely:—

“9. *Reference to Advisory Boards.*—(1) In every case where a detention order has been made under this Act, the appropriate Government shall, within six weeks from the date specified in sub-section (2) place before an Advisory Board constituted by it under section 8 the grounds on which the order has been made and the representation, if any, made by the person affected by the order; and in case where the order has been made by an officer, also the report made by such officer under sub-section (3) of section 3.

(2) The date referred to in sub-section (1) shall be—

(a) in every case where at the commencement of the Preventive Detention (Amendment) Act, 1951; the person is under detention in pursuance of a detention order made under sub-clause (i) or sub-clause (ii) of clause (a) of sub-section (1) of section 3; the date of commencement of the said Act; and

(b) in every other case the date of detention under the order.”

10. *Amendment of section 10, Act IV of 1950.*—In section 10 of the said Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Advisory Board shall, after considering the materials placed before it and, if necessary, after calling for such further information from the appropriate Government or from the person concerned, as it may deem necessary, submit its report to the appropriate Government within ten weeks from the date specified in sub-section (2) of section 9.”;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) When there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.”

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11. *Substitution of new section for sections 11 and 12, Act IV of 1950.*—For sections 11 and 12 of the said Act, the following sections shall be substituted, namely :—

“11 *Action upon the report of Advisory Board.*—(1) In any case where the Advisory Board has reported that there is in its opinion sufficient cause for the detention of a person, the appropriate Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit.

(2) In any case where the Advisory Board has reported that there is in its opinion no sufficient cause for the detention of the person concerned, the appropriate Government shall revoke the detention order and cause the person to be released.

12. *Validity and duration of detention in certain cases.*—For the avoidance of doubt it is hereby declared that—

(a) every detention order in force at the commencement of the Preventive Detention (Amendment) Act, 1951 shall continue in force and shall have effect as if it had been made under this Act as amended by the Preventive Detention (Amendment) Act, 1951; and

(b) nothing contained in sub-section (3) of section 1 or sub-section (1) of section 12 of this Act as originally enacted shall be deemed to affect the validity or duration of any such order.”

12. *Insertion of new section 14 in Act IV of 1950.*—After section 13 of the said Act, the following section shall be inserted, namely :—

“14. *Temporary release of persons detained.*—(1) The appropriate Government may at any time direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may at any time cancel his release.

(2) In directing the release of any person under sub-section (1), the appropriate Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof or to show cause why such penalty should not be levied.”

13. *Repeal of Act XLVIII of 1949.*—The Transfer of Detained Persons

STATEMENT OF OBJECTS AND REASONS. 5

The Preventive Detention Act, 1950 (IV of 1950) is due to expire on the 1st of April, 1951. Government have after very careful examination, come to the conclusion that it is necessary to extend its life, for the present, for a period of one year. The primary reason for the enactment of this legislation was the necessity to protect the country against violent activities organised in secrecy and intended to produce chaos. These activities, though reduced in tempo, have not ceased, and Government consider it essential that the powers conferred by the Preventive Detention Act should be continued. The Act also enables Government to detain persons for reasons connected with the maintenance of essential supplies and services. With the deterioration in the food situation, the need for maintaining such supplies and services has become more pressing than ever.

Opportunity has been taken to liberalise the provisions regarding reference to Advisory Boards. Sections 9 and 12 of the Act which require such reference to be made only in a limited class of cases and provide for review by a judicial officer in the other cases, are sought to be modified so that a reference to Advisory Boards consisting of three persons will be compulsory in *all* cases of preventive detention. It is further proposed to make it clear that no person will be kept under detention unless upon such reference the Advisory Board reports within ten weeks of his detention that there is sufficient cause for detention.

Another important amendment which is proposed in the Bill is an express provision enabling Government to release detained persons on parole. A few other minor amendments of a procedural or formal character are also proposed.

C. RAJAGOPALACHARI.

NEW DELHI;

The 28th January, 1951.

NOTES ON CLAUSES.

Clause 3.—This clause provides a definition of “appropriate Government” for convenience of reference in subsequent sections.

Clause 4.—It is considered unnecessary that Sub-Divisional Magistrates should have the power to issue detention orders. So far as the State of Hyderabad is concerned, the clause seeks to empower Collectors of districts (instead of Civil Administrators) and the Commissioner of Police for Hyderabad City in this behalf.

Clause 5.—This clause is intended to fill a procedural lacuna in the principal Act. The proposed new section prescribes the manner in which detention orders may be executed anywhere in India.

Clause 6.—This clause seeks to amplify sections 4 and 5 of the principal Act. The main provisions of the Transfer of Detained Persons Act, 1949, are incorporated in section 4 [*vide* clause (b) thereof] and that Act is proposed to be repealed by clause 13 of this Bill. The revised section 5 is intended to remove any doubts as to the validity or operative character of a detention order outside the territorial jurisdiction of the officer or authority making the order.

Clause 8.—This clause provides for increasing the number of members of every Advisory Board from two to three. In order to enable the existing Boards to dispose of the references that may be pending before them on the date on which the amending Act comes into force, a proviso is sought to be added to section 8 (2) of the principal Act.

Clause 9.—Section 9 of the principal Act is substantially modified so as to require that all cases of preventive detention should be referred to Advisory Boards, and not, as at present, a specified class of cases. The amendment allows for a period of six weeks from the commencement of the amending Act during which all the excluded cases of detention will have to be referred to Advisory Boards.

Clause 10.—The amendment proposed in sub-clause (i) of this clause is purely formal, and the one proposed in sub-clause (ii) is consequential upon the increase of members of Boards from two to three. It provides that the opinion of the majority will be deemed to be the opinion of the Board.

Clause 11.—Section 11 of the principal Act has been revised to make clear what is now implicit, namely, where the Advisory Board reports that there is no sufficient cause for detention, the person concerned must be released. The existing section 12 is sought to be omitted, since all cases of detention will hereafter have to be referred to Advisory Boards. A new section 12 is proposed to be inserted in order to avoid any doubts as to the continued validity or the extended duration of existing detention orders.

Clause 12.—Difficulties were being experienced in releasing detained persons on parole on humanitarian or other grounds because there was no express provision in the principal Act in this behalf as is to be found in certain State Acts relating to maintenance of public order. This omission is now sought to be rectified.

M. N. KAUL,

Secretary.

NOTIFICATION.

No. L.D. 3333—Legis. 3-50-18, dated Bangalore, 8th March 1951.

Ordered that the following Taxation on Income (Investigation Commission) Amendment Bill, 1951 (3 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 17th February 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
*Legal Remembrancer and
Secretary to Government,
Law Department.*

PART II—SECTION 2

BILLS AND REPARTS OF SELECT COMMITTEES ON BILLS

PARLIAMENT OF INDIA

The following Bill was introduced in Parliament on the 12th February, 1951 :—

BILL NO. 3 OF 1951

A Bill further to amend the Taxation on Income (Investigation Commission) Act, 1947.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Taxation on Income (Investigation Commission) Amendment Act, 1951.

2. *Amendment of section 4, Act XXX of 1947.*—In sub-section (3) of section 4 of the Taxation on Income (Investigation Commission) Act, 1947, for the words and figures “may extend its term of appointment for any period up to the 31st day of March, 1951” the words “may, if it thinks fit, extend its term of appointment from time to time” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Income Tax Investigation Commission was set up after the partition of India under the Taxation on Income (Investigation Commission) Act, 1947, which was passed in the Budget Session of 1947. The members of the Commission entered on their duties on 1st December, 1947. The Commission was

charged with two functions under the Statute—(i) to report to the Central Government on all matters relating to taxation with particular reference to the extent to which the existing law for assessment and collection of taxes was adequate to prevent the evasion thereof, and (ii) to investigate into particular cases of tax evasion referred to it by the Central Government.

In the year 1948 the Commission applied itself mainly to its first function and submitted at the end of the year, a report which has been published. A Bill incorporating, among others, such recommendations of the Commission which have been accepted by Government is expected to be ready shortly. With regard to its second function, the Commission suggested certain amendments to the Investigation Commission Act to enable it to function effectively. It organized its investigating machinery, and completed a considerable amount of necessary spadework preparatory to the actual investigation of the referred cases.

In all, 1,304 cases were referred to the Commission by the Central Government and 86 cases were referred on reports made by the Commission under section 5(4) of the Act. Out of 1,390 cases the Commission has disposed of till the 31st January, 1951, 377 cases involving evaded income of about Rs. 11.81 crores on which the tax payable is about Rs. 8 crores. The number of cases still pending with the Commission is 1,013 involving about 130 groups. The Commission is now busy with the investigation of some of the most important cases.

It has been found that the existence of a time-limit to the term of appointment of the Commission encouraged many persons to adopt dilatory tactics in the hope that the investigation of their cases would lapse by efflux of time. Government are advised that if there were no such time-limit, many more cases would have by now been finished or settled. Having regard to the quantum of work still remaining on hand and with a view to expediting the completion of the pending cases, it is proposed to amend the law so as to remove the statutory limit to the Commission's term of appointment and to enable the Central Government to extend its term from time to time.

C. D. DESHMUKH.

NEW DELHI;

The 31st January, 1951

M. N. KAUL,

Secretary.

NOTIFICATION.

No. L.D. 3345—Legis. 3-50-16, dated Bangalore, 9th March 1951.

Ordered that the following Indian Standards Institution (Certification Marks) Bill, 1951 (No. 2 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 3rd February 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

PARLIAMENT SECRETARIAT

NOTIFICATION

New Delhi, the 3rd February 1951

F. 6-I/51.—Under Rule 55 of the Rules of Procedure and Conduct of Business in Parliament, the Speaker has been pleased to order the publication in the *Gazette of India* of the following Bill, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information:—

BILL No. 2 of 1951

A Bill to provide for the standardisation and marking of goods.

BE it enacted by Parliament as follows:—

1. *Short title and extent.*—(1) This Act may be called the Indian Standards Institution (Certification Marks) Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “article” means (as respects standardisation and marking) any substance, artificial or natural, or partly artificial or partly natural, whether raw or partly or wholly processed or manufactured;

(b) “covering” includes any stopper, cask, bottle, vessel, box, crate, cover, capsule, case, frame, wrapper or other container;

(c) “Indian Standard” means the standard (including any tentative or provincial standard) established and published by the Indian Standards Institution, in relation to any article or process indicative of the quality and specification of such article or process;

(d) “Inspector” means an Inspector appointed under section 8;

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(e) "Institution" means the Indian Standards Institution set up under the Resolution of the Government of India in the late Department of Industries and Supplies No. 1 Std. (4)/45, dated the 3rd day of September, 1946, and registered under the Societies Registration Act, 1860 (XXI of 1860);

(f) "licence" means a licence granted under this Act to use the Indian Standards Institution Certification Mark, in relation to any article or process which conforms to the Indian Standard;

(g) "mark" includes a device, brand, heading, label, ticket, name, signature, word, letter or numeral or any combination thereof;

(h) "prescribed" means prescribed by regulations made under this Act;

(i) "process" includes any practice, treatment and mode of manufacture of any article;

(j) "registering authority" means any authority competent under any law for the time being in force to register any company, firm or other body of persons, or any trade mark or design, or to grant a patent;

(k) "specification" means a description of an article or process as far as practicable by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age, material, mode of manufacture or other characteristics to distinguish it from any other article or process;

(l) "Standard Mark" means the Indian Standards Institution Certification Mark specified by the Indian Standards Institution to represent a particular Indian Standard;

(m) "trade mark" means a mark used or proposed to be used in relation to goods for the purpose of indicating, or so as to indicate, a connection in the course of trade between the goods and some person having the right, either as proprietor or as registered user, to use the mark, whether with or without any indication of the identity of that person;

(n) an article or process is said to be marked with a Standard Mark if the article or process itself is marked with a Standard Mark or any covering containing, or label attached to, such article is so marked.

3. *Powers and duties of the Institution.*—The Institution may exercise such powers and perform such duties as may be assigned to it by or under this Act, and, in particular, such powers include power to—

(a) establish and publish, in such manner as may be prescribed, the Indian Standard in relation to any article or process;

(b) specify a Standard Mark to be called the Indian Standards Institution Certification Mark, which shall be of such design and contain such specifications as may be prescribed to represent a particular Indian Standard;

(c) to grant, renew, suspend or cancel, in such manner as may be prescribed, a licence for the use of the Standard Mark;

(d) levy such fees for the grant or renewal of any licence as may be prescribed;

(e) make such inspection and take such samples of any material or substance as may be necessary to see whether any article or process bearing the Standard Mark conforms to the Indian Standard or whether such

article or process has been improperly marked with the Standard-Mark with or without licence;

(f) authorise any person to search any place and seize anything in respect of which he has reason to believe that the Standard Mark has been, or is about to be, improperly used.

4. *Constitution of Certification Marks Division Council.*—The Institution may constitute a Certification Marks Division Council, consisting of such number of members as it thinks fit for exercising such powers and performing such duties as may be prescribed.

5. *Prohibition of improper use of Standard Mark.*—(1) No person shall use, in relation to any article or process, or in the title of any patent, or in any trade mark or design the Standard Mark or any colourable imitation thereof, except under a licence granted under this Act.

(2) No person shall, notwithstanding that he has been granted a licence, use in relation to any article or process the Standard Mark or any colourable imitation thereof unless such article or process conforms to the Indian Standard.

6. *Prohibition of use of certain names, etc.*—(1) Subject to the provisions of this section, no person shall, except in such cases and under such conditions as may be prescribed, use without the previous permission of the Institution,—

(a) any name which so nearly resembles the name of the Indian Standards Institution as to deceive the public or which contains the expressions "Standard" or "Indian Standard" or any combination or abbreviation of such expressions, or

(b) any mark or trade mark in relation to any article or process containing the expressions "Standard", "Indian Standard" or "Indian Standard specification" or any combination or abbreviation of such expressions.

(2) Nothing in sub-section (1) shall apply to any mark or trade mark in relation to any article imported into India, provided that the country of origin or manufacture, and in the case of a certification mark granted in a country outside India, the authority under which such certification mark is used, is displayed along with each mark or trade-mark.

7. *Prohibition of registration in certain cases.*—(1) Notwithstanding anything contained in any law for the time being in force, no registering authority shall—

(a) register any company, firm or other body of persons which bears any name, or

(b) register a trade mark or design which bears any name or mark, or

(c) grant a patent, in respect of an invention, which bears a title containing any name or mark,

if the use of such name or mark is in contravention of section 5 or section 6.

(2) If any question arises before a registering authority whether the use of any name or mark is in contravention of section 5 or section 6, the registering authority may refer the question to the Central Government, whose decision thereon shall be final.

8. *Inspectors*.—(1) The Institution may appoint as many Inspectors as may be necessary for the purpose of inspecting whether any article or process bearing the Standard Mark conform to the Indian Standard or whether such article or process has been improperly marked with the Standard Mark with or without licence, and for the purpose of performing such other functions as may be assigned to them.

(2) Subject to any regulations made under this Act, an Inspector shall have power to—

(a) inspect any operation carried on in connection with any article or process bearing the Standard Mark;

(b) take samples of any material or substance used or suspected to be used for any article or process bearing the Standard Mark;

(c) examine at all reasonable times any books of account or other documents relating to any article or process bearing the Standard Mark and require the production of such books of account or other documents;

(d) seize any such books of account or documents or place marks of identification thereon or take extracts or copies therefrom;

(e) enter, with such assistance, if any, as he thinks fit, any premises or place where any article or process bearing the Standard Mark is produced or suspected to be produced;

(f) examine any person in such premises or place and require that person to give any information, which is in his power to give, with respect to the production of any article or process bearing the Standard Mark;

(g) if specially authorised in this behalf by the Institution, search the premises and seize anything in respect of which he has reason to believe that the Standard Mark has been, or is about to be, improperly used, and the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) relating to searches shall, as far as may be, apply to searches made under this section;

(h) exercise such other powers as may be prescribed.

(3) Every Inspector shall submit to the Institution such reports as the Institution may require.

(4) Every Inspector shall be furnished by the Institution with a certificate of appointment as an Inspector, and the certificate shall, on demand, be produced by the Inspector.

9. *Returns and reports*.—Every licensee shall submit to the Institution such returns and reports and such samples of any material or substance used or suspected to be used in relation to any article or process as the Institution may direct.

10. *Delegation*.—(1) The Institution may, by notification in the Official Gazette, direct that any power exercisable by it under this Act shall, in relation to such matters and subject to such conditions as may be specified in the direction, be exercisable also by such person or such organisation of any industry as may be specified in the notification (hereinafter referred to as the authorised agent).

(2) If any authorised agent commits any breach of the conditions subject to which power was delegated to such agent or if such authorised agent fails, in the opinion of the Institution, to perform its functions satisfactorily, the

Institution may, by notification in the Official Gazette, withdraw the powers delegated to such agent.

11. *Appeal.*—(1) Any person aggrieved by an order made under clause (c) or clause (f) of section 3 may prefer an appeal—

(a) to the Institution, where the original order has been passed by an authorised agent or the Certification Marks Division Council, or

(b) to the Central Government, where the original order has been passed by the Institution.

(2) Any person aggrieved by any order made or any action taken by an Inspector may prefer an appeal to the Institution.

(3) An authorised agent whose delegated powers have been withdrawn by the Institution may prefer an appeal to the Central Government.

(4) The appeal shall be presented in such manner and within such time as may be prescribed.

(5) The Central Government or the Institution, hearing an appeal under this section, shall follow such procedure as may be prescribed.

12. *Certain matters to be kept confidential.*—Any information obtained by an Inspector, authorised agent, or the Institution from any statement made or returns or reports furnished or in any evidence given or from inspection made under the provisions of this Act shall be treated as confidential:

Provided that nothing in this section shall apply to the disclosure of any information for the purpose of prosecution under this Act.

13. *Penalty for improper use of Standard Marks, etc.*—(1) Any authorised agent who contravenes the provisions of section 5 or section 6 shall be punishable with fine which may extend to fifty thousand rupees.

(2) Any person other than an authorised agent, who contravenes the provisions of section 5 or section 6 shall be punishable with fine which may extend to five thousand rupees.

(3) Any court trying a contravention under sub-section (1) or sub-section (2) may direct that any property in respect of which the contravention has been made shall be forfeited to the Government.

14. *Penalty for other offences.*—Whoever contravenes any of the provisions of this Act or of any regulation made thereunder shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to one thousand rupees.

15. *Cognizance of offences by courts.*—(1) No court shall take cognizance of any offence punishable under this Act, save on complaint made by or under the authority of the Institution or by an officer empowered in this behalf by the Institution.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class specially empowered in this behalf shall try any offence punishable under this Act.

16. *Protection of action taken under this Act.*—No suit, prosecution or other legal proceeding shall lie against the Central Government or the Institution or any person acting under the authority of the Central Government or the Institution for anything which is in good faith done or intended to be done in pursuance of this Act or of any regulation made thereunder.

17. *Act not to apply to agricultural produce or drugs.*—Nothing in this Act shall apply—

(a) to any scheduled article within the meaning of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937); or

(b) any drug within the meaning of the Drugs Act, 1940 (XXIII of 1940).

18. *Savings.*—Nothing in this Act shall exempt any person from any suit or other proceeding which might, apart from this Act, be brought against him.

19. *Power to make regulations.*—(1) The Institution may, after previous publication, by notification in the Official Gazette, make regulations to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

(a) the procedure and manner in which the Indian Standard, in relation to any article or process, may be established and published ;

(b) the design of the Standard Mark in relation to each Indian Standard and the particulars which a Standard Mark may contain ;

(c) the delegation of powers to an authorised agent ;

(d) the manner in which and the conditions subject to which a licence to use the Standard Mark may be granted, renewed, suspended or cancelled ;

(e) the levy of fees for the grant or renewal of any licence ;

(f) the mode of inspection by the Institution and the manner in which samples may be taken by it ;

(g) the manner in which search may be made and articles seized by the Institution ;

(h) the constitution, powers and functions of the Certification Marks Division Council ;

(i) the cases in which and the circumstances under which exemption may be granted from the prohibition contained in section 6 ;

(j) the powers of Inspectors ;

(k) the form and manner in which and the time within which appeals may be preferred ; the procedure to be followed in hearing appeals ;

(l) the forms to be used under this Act ;

(m) any other matter which has to be, or may be, prescribed under this Act.

(3) In making any regulation under this section, the Institution may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

STATEMENT OF OBJECTS AND REASONS

As a prerequisite to the establishment of a healthy trade, both internal and external, standardisation of products in respect of quality which would compare very favourably with the established makes of foreign products, is essential

and needs no emphasis. With this object in view the Government of India in the Department of Industries and Supplies in their Resolution No. 1Std.(4)/45, dated the 3rd September, 1946, set up the Indian Standards Institution with; *inter alia*, the following functions:—

(a) to prepare and promote the general adoption of standards on national and international basis,

(b) to promote standardisation, quality control and simplification in industry,

(c) to provide for registration of standardisation marks applicable to products, commodities, etc.,

(d) to provide or arrange facilities for the examination and testing of commodities, etc.

The Indian Standards Institution have drawn up or are now finalising the Indian Standard Specifications for most of the commodities and manufactured articles which figure in our export trade with overseas countries, and also in the home markets.

2. The Certification Mark is a convenient measure to secure standardisation of commodities and is in use in many progressive countries, such as the U.K., France, etc. As defined in the Trade Marks Act, it is a mark adapted in relation to any goods to distinguish in the course of trade goods certified by any person in respect of origin, material, mode of manufacture, quality, accuracy or other characteristic, from goods not so certified. The underlying idea is to convey this assurance to the purchaser that the goods or services so certified have been inspected, tested, and certified by some agency of competence and that they may be purchased with more than ordinary assurance that certain standards of quality have been met.

3. The present Bill seeks to achieve the objects as set forth in Government Resolution, dated the 3rd September, 1946.

HARE KRUSHNA MAHTAB.

NEW DELHI;

The 20th January, 1951.

M. N. KAUL,

Secretary.

PART IV

(6)

Section—1-B.

ACTS OF PARLIAMENT AND ORDINANCES OF THE
PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 3342—Legis. 2-50-66, dated Bangalore, 9th March 1951.

Ordered that the following Employers' Liability (Amendment) Act, 1951 (No. V of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 1st March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
*Legal Remembrancer and
Secretary to Government,
Law Department.*

GOVERNMENT OF INDIA

MINISTRY OF LAW

Received Assent on 28th February 1951.

THE EMPLOYERS' LIABILITY (AMENDMENT) ACT, 1951
(V OF 1951).

An Act further to amend the Employers' Liability Act, 1938.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Employers' Liability (Amendment) Act, 1951.

2. *Amendment of section 3, Act XXIV of 1938.*—For clause (d) of section 3 of the Employers' Liability Act, 1938, the following clause shall be substituted, namely:—

“(d) by reason of the act or omission of any person in the service of the employer done or made—

(i) in the normal performance of the duties of that person; or

(ii) in obedience to any rule or bye-law of the employer (not being a rule or bye-law which is required by or under any law for the time being in force to be approved by any authority and which has been so approved); or

(iii) in obedience to particular instructions given by any other person to whom the employer has delegated authority in that behalf;”.

3. *Insertion of new section 3A, Act XXIV of 1938.*—After section 3 of the said Act, the following section shall be inserted, namely:—

“3A. *Contracting out.*—Any provision contained in a contract of service or apprenticeship, or in an agreement collateral thereto, shall be void in so far as it would have the effect of excluding or limiting any liability of the employer in respect of personal injuries caused to the person employed or apprenticed by the negligence of persons in common employment with him.”

K. V. K. SUNDARAM,

Secretary.

NOTIFICATION.

No. L.D. 3492—Legis. 2-50-69, Bangalore, dated 20th March 1951

Ordered that the accompanying Appropriation (Railways) No. 2 Act, 1951 (VIII of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 16th, March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

THE APPROPRIATION (RAILWAYS) NO. 2 ACT (VIII OF 1951).

AN

Act

to authorise payment and appropriation of certain sums from and out of the consolidated Fund of India for the service of the year ending on the 31st day of March 1952, for the purposes of railways.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Appropriation (Railways) No. 2 Act, 1951.

2. *Issue of Rs. 3,46,28,35,000 out of the Consolidated Fund of India for the year 1951-52.*—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three hundred and forty-six crores, twenty-eight lakhs and thirty-five thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1952, in respect of the services relating to railways specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March 1952.

SCHEDULE. (3)

(See sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by parliament	Charged on the consoli- dated fund	Total
		Rs.	Rs.	Rs.
1	Railway Board ...	30,90,000	...	30,90,000
2	Audit ...	30,84,000	...	30,84,000
3	Miscellaneous Expenditure ...	77,84,000	...	77,84,000
4	Working Expenses—Administration ...	24,23,71,000	...	24,23,71,000
5	Working Expenses—Repairs and Main- tenance.	59,73,49,000	...	59,73,49,000
6	Working Expenses—Operating Staff ...	38,36,16,000	...	38,36,16,000
7	Working Expenses—Operation (Fuel)	30,55,20,000	...	30,55,20,000
8	Working Expenses—Operation (other than Staff and Fuel) ...	12,67,04,000	...	12,67,04,000
9	Working Expenses—Miscellaneous Expenses ...	17,79,55,000	...	17,79,55,000
9A	Working Expenses—Labour Welfare ...	3,39,95,000	...	3,39,95,000
10	Payments to Indian States and Com- panies ...	29,98,000	...	29,98,000
11	Working Expenses—Appropriation to Depreciation Fund ...	30,00,00,000	...	30,00,00,000
12A	Open Line Works (Revenue) Labour Welfare ...	2,28,04,000	...	2,28,04,000
12B	Open Line Works (Revenue) other than Labour Welfare ...	3,83,31,000	...	3,83,31,000
13	Appropriation to Development Fund...	10,00,00,000	...	10,00,00,000
14	Appropriation to Revenue Reserve Fund ...	11,84,83,000	...	11,84,83,000
15	Construction of new lines ...	2,61,33,000	...	2,61,33,000
16	Open Line Works—Additions ...	15,18,76,000	...	15,18,76,000
17	Open Line Works—Replacements ...	40,24,93,000	...	40,24,93,000
18	Open Line Works—Development Fund	8,28,68,000	...	8,28,68,000
19	Capital Outlay on Vizagapatam Port ...	16,30,000	...	16,30,000
20	Dividend payable to General Revenues	33,37,51,000	...	33,37,51,000
	Grand Total ...	3,46,28,35,000	...	3,46,28,35,000

K. V. K. SUNDARAM, Secy.

PART IV

19

Section I-C

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL
ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

(HOME DEPARTMENT).

No. H.B. 11917-27—Ptl. 28-50-7, dated Bangalore, 23rd March 1951.

Ordered that the following Notification No. III (PMT) (X-I)—51-N(1), dated 23rd January 1951 of the Government of India, Ministry of Rehabilitation, further amending the Permit System Rules, 1949, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

K. SRINIVASAN,

Chief Secretary to Government.

Copy of Notification No. III (PMT) (X-1)—51-N (I), dated 23rd
January 1951.

In exercise of the powers conferred by Section 4 of the Influx from Pakistan (Control) Act, 1949, (XXIII of 1949), the Central Government hereby directs that the following further amendment shall be made in the Permit System Rules, 1949, namely :—

In Appendix III to the said Rules, in Part I, for the existing Condition No. 1 (a), the following condition shall be substituted, namely :—

"1. (a) The Permit holder must proceed direct to the place of visit in India stated in the permit *via*.....check post, and, on completion of his temporary visit in India, return direct from the place of visit to Pakistan *via*.....check post."

NOTIFICATION.

No. C. 1679—Co. 40-50-14, dated Bangalore, 26th March 1951.

Ordered that the following Notification No. PC. 17 (3)—50-1, dated the 15th March 1951, of the Government of India, Ministry of Commerce and Industry, New Delhi, under the Supply and Prices of Goods Act, 1950, (LXX of 1950), be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

*Secretary to Government,
Food and Agriculture Departments.*

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 15th March 1951.

NOTIFICATION.

No. PC-17 (3) 50-1—In exercise of the powers conferred by clause (c) of sub-section (2) of section 26 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby makes the following Rules:—

1. *Short Title.*—These rules may be called the Goods (Marking of Prices and Exhibition of Price Lists) Rules, 1951.

2. *Definitions.*—In these rules—

(a) "Act" means the Supply and Prices of Goods Act, 1950 (LXX of 1950);

(b) "goods" means the goods to which the Act applies.

3. *Manner of Marking Prices.*—Where a price is to be marked on goods in pursuance of a direction issued under section 10 of the Act, such price shall be marked thereon plainly and conspicuously either in the English language or in the local language of the district or both in the English language and such local language.

4. *Manner of exhibiting Price List.*—Where a price list of goods is to be exhibited in pursuance of a direction issued under section 10 of the Act, such Price List—
- (a) shall be exhibited in plain and legible writing in the language or languages specified in rule 3; and
 - (b) shall indicate the price for different varieties or classes of goods.

Explanation.—In this rule, the expression "writing" includes printing, lithography and other modes of representing or reproducing words in a visible form.

ORDER

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir), all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board, and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

B. B. SAKSENA, Dy. Secy.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER
MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S 4420—L.W. 296-50-2 dated Bangalore, 21st March 1951.

In pursuance of Section 17 of the Industrial Disputes (Central) Act, 1947 (Act No. XIV of 1947), His Highness the Maharaja of Mysore is pleased to publish the following Award of the Industrial Tribunal, Bangalore, in the industrial dispute between the Management of the Mysore Vegetable Oil Products, Ltd., Bangalore, and the Labour Association thereof.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Secretary to Government,
Law Department.*

BEFORE THE INDUSTRIAL TRIBUNAL,
BANGALORE

Monday, the 5th day of March 1951.

PRESENT

Rajadharmaprasakta

SRI A. R. NAGESVARA IYER, B.A., B.L.,

Chairman

and

Rajadharmaprasakta

SRI T. SINGARAVELU MUDALIAR, B.A., B.L.,

Member.

No. A.C. 1 of 1950-51.

First Party :

The Mysore Vegetable Oil Products Labour Association,
50, Cottonpet, Bangalore City.

(Represented by Sri G. V. Ramachar, Advocate.)

Versus

Second Party :

The Mysore Vegetable Oil Products, Ltd.,
Platform Road, Bangalore City.

(Represented by Messrs. S. D. Ganesha Rao and
E. V. Mathew, Advocates.)

AWARD

This is a reference made by the Government of Mysore, under Section 10 (1) (c) of the Industrial Disputes Act, 1947, under the following circumstances :—

On 27th July 1949, the President of the Mysore Vegetable Oil Products Labour Association gave a notice of change to the General Manager of the Vegetable Oil Products, Ltd., Bangalore, under Section 10 (2) of the Mysore Labour Act, 1942, as follows :—

“In view of the continuous increase in the prices of the necessary supplies and services, the employees have suffered and are still suffering hardships even in their day-to-day maintenance. The present scale of dearness allowance is totally inadequate and therefore needs immediate revision. The employees therefore demand :

that the present scale of dearness allowance should be raised adequately to meet completely the rise in the cost of living. We desire that the scale of dearness allowance should be revised as follows :—

At present for the purpose of payment of dearness allowance, workers are divided into three categories. Those workers drawing up to Rs. 25 per mensem get Rs. 25 per mensem as dearness allowance; those drawing above Rs. 25 and up to Rs. 50 get Rs. 27-8-0 per mensem; and those drawing above Rs. 50 get Rs. 30 per mensem.

(1) This method should be discontinued and all workers should be paid a uniform dearness allowance of Rs. 32-8-0 per mensem each.

(2) The employees also demand that the above demanded scale should come into effect from 1st July 1949.

(3) The employees have been given under certain conditions a bonus equal to one month's pay each for the year 1948-49. For the last four or five years workers were given in total two months' pay as bonus each year. The employees demand that for year 1948-49 also all workers should be paid an equal to 1/6th of their earnings excluding dearness allowance unconditionally."

Copies of this notice were sent to the Commissioner of Labour, the Registrar of Associations in Mysore, and the Assistant Commissioner of Labour, Bangalore Division.

The Commissioner of Labour could not bring about a settlement between the parties with regard to demands 1 and 2, though the Association withdrew demand No. 3. He therefore referred the matter relating to demands 1 and 2 under Section 10 (3) of the Mysore Labour Act, to the Chief Conciliator for initiating conciliation proceedings. Conciliation proceedings which took place on 8th March 1950 before the Chief Conciliator also ended in failure, as he could not bring about any agreement between the parties. He therefore reported the matter to Government under Section 12 (4) of the Mysore Labour Act, and the report was duly published by Government in the *Mysore Gazette*.

On 5th April 1950 a meeting was held by the Hon'ble Minister for Law and Labour to bring about a settlement between the Management and the Labour Association of the Mysore Vegetable Oil Products, Ltd. Among those who attended the meeting were the General Manager of the Company, the Commissioner of Labour, the Assistant Labour Commissioner, the President of the Vegetable Oil Products Labour Association, three office-bearers of the Association and a representative of the Indian National Trade Union Congress. During the discussion, the General Manager explained to the Minister that the scales of dearness allowance given by the Vegetable Oil Products, Ltd., were much higher than those given by other concerns and that therefore there was no justification for any further increase. There was then discussion on the possibility of the dearness allowance being fixed on the cost of living index figure in Bangalore as published by the Government every month at two and half annas per point above 100.

The General Manager was not agreeable to this suggestion and seems to have also said that the vanaspathi

industry was passing through a crisis on account of the propaganda that was being carried on by certain interested parties for the complete banning of hydrogenated vegetable oils and the whole future of the industry was extremely uncertain, that owing to the soaring prices of groundnut oil and the uneconomic controlled selling price fixed by Government for vanaspathi, the Company was at present losing as much as about Rs. 65 for every ton of vanaspathi produced and sold, that there was a possibility of the Factory having to close down in the near future, that this Company was facing very keen competition of other factories recently established in Mysore and Madras States and that, therefore, the Company could not afford to give any increase in the dearness allowance. The General Manager however undertook to place the matter before the Board of Directors and duly communicate their decision. At a meeting of the Board of Directors held on the 26th April 1950, the view expressed by the General Manager before the Hon'ble Minister was concurred with and the view of the Board of Directors was communicated to the Law Secretary with a covering letter on the 29th of April 1950 (*vide* Exhibit XIII).

While the matter relating to this dispute to which the provisions of the Mysore Labour Act were applicable was, thus, pending, Notification No. L. D. 570—Legis, 2-50-20, dated Bangalore, 27th May 1950, was issued and it was published in the *Mysore Gazette* (Extraordinary) dated Monday, May 29th, 1950. Under the said Notification, the Government of Mysore ordered that the Industrial Disputes (Appellate Tribunal) Act, 1950 (XLVIII of 1950), published in the *Gazette of India*, dated 23rd May 1950, be republished in the *Mysore Gazette* for general information. Section 34 of the said Act provides that the Industrial Disputes Act of 1947 (XIV of 1947), shall be amended in the manner specified in the schedule. The first item in the schedule runs as follows :—

“ For Sub-Section (2) of Section 1, the following Sub-Section shall be substituted, *viz.*,

‘ (2) it extends to the whole of India except the State of Jammu and Kashmir.’ ”

Whereas Act XIV of 1947 originally extended to the whole of British India, the effect of this amendment is that it extends now to the whole of India including Mysore. His Highness the Maharaja of Mysore, on the 30th of May 1950, passed Order No. L.S. 675-85--L.W. 71-50-6, in exercise of the powers conferred by Sub-Section (1) of Section 7 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), constituting this Industrial Tribunal and under Sub-Section (1) of Section 10 of the said Act, the following dispute was referred to this Tribunal for adjudication:—

“Regarding the Mysore Vegetable Oil Products, Ltd., Bangalore;

(a) the workers demand for:—

- (1) an enhancement of the present scales of dearness allowance with reference to the rise in the cost of living index; and
- (2) giving effect to the enhanced scales of dearness allowance from 1st July 1949.”

Parties have filed statements and rejoinders were allowed to be filed since the parties were not accustomed to the new Act and they are mostly prolix and unnecessarily argumentative and we, therefore, refer only to the salient allegations therein.

In the statement filed by the Labour Association, it is alleged that:

“after the failure of the conciliation proceedings, a conference of the two parties was convened by the Minister for Labour where an overture was made on behalf of the first party that the question of dearness allowance may be allowed to be determined by the cost of living index number prepared by the Government of Mysore calculated at the rate of Re. 0-2-6 per mensem per point of rise over 100 in the cost of living index number;

that despite ‘the reasonableness and the rationality’ of the proposal, the offer was negatived which ultimately eventuated in a peaceful and legal strike.”

The reasons for claiming dearness allowance based on the cost of living index are stated to be:—

- (1) that the dearness allowance now granted is inadequate;
- (2) that it does not accurately and precisely reflect the true rise in the cost of living;
- (3) that it is based on no scientific ascertainment;
- (4) that the actual rise be ascertained by reference to the cost of living index number published by the Government and that on this basis dearness allowance to be calculated at the rate of Rs. 0-2-6 per point of rise in the cost of living index number over 100 per month.

It is further pointed out that of the three scales of dearness allowance paid to the workers, who are about 103 in number, about 70 of them are receiving wages from Rs. 0-11-0 to a little less than Re. 1-0-0 per day and therefore are receiving dearness allowance at the lowest rate, viz., Rs. 25 a month.

It is further alleged that on account of the war, the cost of living index has risen high and there has been no corresponding rise in the wages of workers, and therefore the present wage level is far below the price level and this has affected the workers adversely to a large extent; that the wages prevailing at present have been arbitrarily fixed by the employers and are not based on any rational basis; that the cost of living index numbers published by the Government of Mysore reveal that there has been a continuous rise in the cost of living; that even these numbers do not indicate the actual rise in the cost of living and that there is no possibility of the cost of living coming down.

The principles on which the dearness allowance is to be fixed are stated to be:

- (1) the ensuring of a fair minimum standard of living to every worker by which he is enabled to be useful to himself, to his family, to his employers and to the Society to which he belongs;
- (2) the neutralising completely and effectively of the increase in the cost of living; and
- (3) the existing financial position of the industry and also the fact that dearness allowance is not an *ex-gratia* payment.

It is urged that tested by these standards, the present scales of dearness allowance are too inadequate to meet the high cost of living. It is further urged that the present scales are not the result of any adjudication, nor based on any scientific appraisal of the actual increase in the cost of living, that at least a sum of Rs. 100 in the shape of wages and dearness allowance would be required for a worker in order that he may meet the cost of living for himself and his family.

With regard to the quantum of dearness allowance, it is urged that a sum of at least Rs. 35 a month would be necessary to meet the needs of the workers and to neutralise to the full extent the increase in the cost of living and that the rational method of ascertaining the dearness allowance would be to link it to the cost of living index number published by the Government of Mysore, that the dearness allowance should be ascertained at the rate of Rs. 0-2-6 per point of rise over 100, and that based on this principle the dearness allowance would amount to Rs. 32 and odd per mensem.

It is also contended that the Company could afford to pay dearness allowance at Re. 0-2-6 per point of rise over 100 as it is in a sound financial condition having a reserve exceeding Rs. 7 lakhs and that the net profit earned during the year ending June 1949

was Rs. 2 lakhs out of which a little over one lakh of rupees were distributed as dividends at the rate of Rs. 17-8-0 per share as pointed out by the Chief Conciliator. The financial prosperity of the Company, it is urged is as much due to the fruits of labourers' strenuous work and efforts as it is the result of invested capital of the Company and that therefore the employers should not grudge to share the prosperity with the workers.

Regarding the second demand, it is alleged that since the notice of change was given on the 27th of July 1949 it is only proper that the claim for enhanced dearness allowance at Rs. 0-2-6 per point should be given retrospective effect from 1st of July 1949.

The material portion of the statement of the management is to the following effect :—

"The Company has from the beginning been alive to the hardships which its employees like other sections of the population are put to owing to the rise in the cost of living and has all along given dearness allowance at adequate rates and enhanced them from time to time on their own initiative with reference to prevailing conditions without representation from the employees. Referring to the last few years, in January 1945 the rates of dearness allowance paid were from Rs. 15 to Rs. 20 per mensem; in July 1946 at Rs. 17-8-0 to Rs. 25 per mensem; in July 1947 at Rs. 22-8-0 to Rs. 27-8-0 per mensem; in September 1948 the workers made a representation that the dearness allowance should be enhanced to a uniform rate of Rs. 30 per mensem to all grades of workers. This request was turned down by the Board of Directors in November 1948, but the Board enhanced the rates on its own initiative from 1st April 1949 and fixed the present rates of Rs. 25, Rs. 27-8-0 and Rs. 30-0-0 per mensem, fully expecting that these rates which were substantially higher than those allowed by Government or other industrial concerns of equal standing, that they have done everything possible for their workers and were greatly surprised that within three months a notice of change was given by the Association for further enhancement to the uniform rate of Rs. 32-8-0 per mensem."

With regard to the allegation by the Association that at the Conference convened by the Hon'ble Minister for Labour, an overture was made on behalf of the workers that the dearness allowance be fixed on the cost of living index at Re. 0-2-6 per point in excess of 100 points, it is urged that :

"there was no conference between the parties, nor was any proposal or overture made by the representatives of the workers. What happened was that the Hon'ble Minister for Labour requested the General Manager to attend a meeting in his chambers for a discussion of the matter on 5th April 1950. The Hon'ble Minister first asked why the Company could not pay dearness allowance at

Rs. 32-8-0 per mensem to all its workers as demanded and subsequently suggested that the dearness allowance may be paid as in the case of the big textile mills in Bangalore with reference to the cost of living index at Rs. 0-2-6 per point above 100. The workers appeared to welcome this suggestion but the General Manager could not commit the Company to an acceptance of the proposal. The Company could not take Hon'ble Labour Minister's suggestion as a considered proposal since the Government have not given any indication of proposing a similar system to other employees nor are adopting it in any of the several industrial undertakings owned or managed by them. The workers on the other hand who from the beginning of this dispute were insisting on a fixed rate of dearness allowance of Rs. 32-8-0 per mensem have now shifted their ground and have in their statement made the demand which they had never before made to the Company that the dearness allowance should be regulated by the cost of living index and fixed at Rs. 0-2-6 per point above 100."

With regard to the general and theoretical considerations propounded in the statement of the Association it is urged :

'that it is not industrial workers only who have to face the prevailing inflation and high prices, other large sections of population like Government employees, pensioners, persons with fixed money, incomes, etc., suffer equally. Industrial workers alone cannot expect their employer to undertake the neutralising completely and effectively the increase in the cost of living' and that there cannot be a common ground for the two parties to negotiate when it is urged in the written statement of the Association that the minimum wage required by a worker to ensure a fair minimum level of existence for himself and his family should be not less than one hundred rupees.'

The Company further pleads as follows :—

The Management has always taken note of the abnormal fluctuations in the cost of living in fixing the remuneration for its workers.

The Management has raised during the past few years the minimum wage by more than 50 per cent and are now giving dearness allowance at rates higher than what the Government or any other industrial concerns in the State (except the big textile mills) pay. (The rates given by various industrial concerns are given and it is unnecessary to mention them here, except to state that they range from Rs. 12 to Rs. 24-9-9).

The Mysore Vegetable Oil Products Co., Ltd., was until a few years ago the only firm in the Mysore State engaged in the business of manufacturing refined oils and vanaspathi. During the last few years, new companies have been started for the manufacturing of the same class of products, and the Company is meeting keen competition from these three factories. These factories pay their workers dearness allowance at rates appreciably lower than those

in force in this Company, and, if, therefore, this Company is now to increase the cost of production still further it will be quite unable to meet the competition.

The Company prefers to have a graduated scale of dearness allowance with reference to the basic pay of the employees instead of a uniform rate as demanded by the Association as it is reasonable and has in fact being adopted by Government and by many other industrial concerns. This is preferable to the method of fixing dearness allowance based on the cost of living index numbers which as stated by the Association cannot be regarded as an accurate gauge of living conditions. To pay dearness allowance at rates varying from month to month, places both the employer and the employee in constant uncertainty in regard to their budgets of income and expenditure. The textile mills appear to have adopted this system on considerations applicable to the Textile industry in the whole of India. If as the Hon'ble Minister for Labour remarked at the meeting referred to above that sooner or later the Government would insist on such a principle being adopted by all industrial concerns, it is submitted that this Company will have to adopt it when such a contingency arises; but even if such a system comes into vogue it does not follow that the rate per point must be Rs. 0-2-6, the rate will have to be fixed in a reasonable manner and with due reference to actual conditions. It is only the three big textile mills in Bangalore that pay at Re. 0-2-6 per point. The Krishnarajendra Mills at Mysore pay at a lower rate.

With regard to the claim made for an enhancement of dearness allowance basing it on the prosperity of the Company and the large profits earned by it, it is urged :

"that the rates should not be enhanced merely because the Company has made good profits. Rates of dearness allowance depend on a right appreciation of the cost of living independently of the question whether the Company makes large or small profits or works at a loss. If good profits are made by the Company, the workers get bonus. The workers' demands based upon the prosperity of the Company is due to the wrong and extravagant ideas they have of the benefits derived by the share-holders of the Company and also to the wrong statement made by the Chief Conciliator in his report published in the *Mysore Gazette*, dated 23rd March 1950, that the Company has paid to its share-holders last year a dividend of Rs. 17-8-0 per share or 175 per cent of their capital. This is a mis-statement by the Chief Conciliator. He was given the information that the Company paid to its share-holders last year a dividend of 17½ per cent (Rs. 1-12-0 per share of Rs. 10). He has put it down in his report that the dividend was Rs. 17-8-0 per share and although the error was pointed out to him as soon as the Company saw the report, he has not so far corrected the error."

"The Chief Conciliator has referred in his report to the reserve of Rs. 7 lakhs held by the Company. He has not realised that this reserve has been mostly reinvested in the industry in the shape of additional buildings and machinery. The replacement

of plant bought at pre-war prices will cost the Company several lakhs in excess of the provision in the depreciation fund and the reserves are really inadequate for this purpose.

"Although the position of the Company has been quite satisfactory, conditions have since changed, vanaspathi the main product of the Company is subject to price control while the raw materials like the groundnut oil is not subject to price control and has in recent months gone up in price to an unprecedented level and is still going up while there has been no corresponding increase in the price of vanaspathi. This fact along with the fact that there has been keen competition of new factories recently opened in Mysore and Madras States has resulted in the Company's product being sold at unremunerative prices. On this account the Company had to close down the factory for four weeks and suspend the production of vanaspathi for ten weeks more, in addition to the period of reduction of production due to the curtailment of electric power. Besides these difficulties, the very existence of the vanaspathi industry is threatened by the proposal now before the Central Legislature to ban manufacture of vanaspathi on the ground that it interferes with the prosperity of the ghee industry in the country. Having regard to all these difficulties and gloomy prospects of the industry, the management has a right to expect the fullest co-operation of its workers. For the above reasons the management prays that this Tribunal be pleased to reject the demands put forward by the workers in the original notice of change or in the statement."

The Labour Association filed a rejoinder that :

"they did not shift the ground of their demand after the conference with the Minister for Labour; that the demand for dearness allowance at the rate of Rs. 32-8-0 per month was not arbitrarily put in, and that Rs. 32-8-0 was quoted as is roughly worked out at the rate of Re. 0-2-6 per mensem per point of rise over 100 in the cost of living index number; and that dearness allowance should be paid so as to neutralise the rise in the cost of living as the cost of living index figure is the only means available at present to assess the rise in the cost of living. It is therefore urged that it was under these circumstances that they accepted the suggestion to link dearness allowance with the cost of living index.

The other allegations in the rejoinder do not cover any new ground but reiterate the allegations in the first statement.

The Management has also filed a rejoinder :

"controversing the allegation that Rs. 32-8-0 was claimed on the basis of the cost of living index number at the rate of Re. 0-2-6 a pont. It is urged that at the time of issue of notice of change the cost of living index number was 300.4 for May 1949; that at Re. 0-2-6 per point rise it works out at Rs. 31-5-0 only; that either before the issue of notice of change and up-to-date, the

index figures for Bangalore have never reached a point that at Re. 0-2-6 yield a product of Rs. 32-8-0. The Management therefore asserts that the Association has shifted the ground. The other allegations are merely reiteration of the original statement."

In an additional statement filed by the Association it is alleged :

"that under the various awards of the Industrial Tribunals in the country the formulae for securing the real minimum wage for the worker is; minimum wage *plus* dearness allowance in accordance with the cost of living index number, providing full neutralisation; that the Management has been paying on an average a basic wage for the majority of workers of Rs. 20-11-6; and that the minimum wage payable to workers will be very much higher than this." It is further stated that the Central Pay Commission fixed the minimum basic pay for the lowest grade of workers for the whole of India at Rs. 30 per mensem excluding the payment of Rs. 7 as House Rent Allowance; that the management has not even provided for this and, therefore, if the dearness allowance is not paid in accordance with the cost of living index number, the worker will be deprived of his real wages; and that the notice of change also refers to the cost of living though the word "index" is omitted which does not make any difference.

In this additional statement the names of firms who are paying dearness allowance on the cost of living index number are mentioned.

In answer to the last point, the Management has urged :

"that the firms mentioned by the Association pay dearness allowance on an All-India basis or at the same rate as the parent firms which are situated in Madras are paying." It is further pointed out that the Association did not mention at all in the notice of change the rate of Re. 0-2-6 per point rise.

The following issues were framed :—

(1) Is the dearness allowance to be enhanced to Rs. 32-8-0 as claimed by the Labour Association in the notice of change; or

(2) is the dearness allowance to be based on the cost of living index at the rate of annas two and pies six per point rise as stated in the written statement of the Labour Association;

(3) is the Labour Association debarred from claiming the dearness allowance as in issue No. 2;

(4) are the present rates of dearness allowance paid by the management inadequate and if so what is the rate of dearness allowance to be fixed;

(5) from what date is the enhancement of dearness allowance if any to be paid;

(6) to what relief are the parties entitled;

Parties adduced no oral evidence and relied only on the documents filed.

Issue No. 3, viz., "Is the Labour Association debarred from claiming dearness allowance as in issue No. 2," has got to be first considered.

From the notice of change extensively quoted above it will be seen that the Association has first referred to the hardships suffered by the employees in their day-to-day maintenance on account of the rise in the cost of living and, asserting that the present scale of dearness allowance is totally inadequate, demands that dearness allowance should be raised to meet completely the rise in the cost of living and therefore desires that the present scales of dearness allowance should be discontinued and all workers should be paid a uniform dearness allowance of Rs. 32-8-0 per month each. Although it is mentioned in the notice that dearness allowance should be raised to meet completely the rise in the cost of living, it is not stated that the dearness allowance should be calculated at Re. 0-2-6 per point rise nor is any mention made about the cost of living index published by the Government. There is therefore much force in the contention of the management that the demand as put forward in the statement of the Association is not the same as the demand made in the notice of change.

The next contention of the Association is that the sum of Rs. 32-8-0 claimed by the Labour Association represented the amount of dearness allowance calculated at the rate of Re. 0-2-6 per point rise over 100 on the cost of living index at the time of the demand. But, as pointed out by the management in their statement, at the time of the issue of the notice of change the cost of living index number was 300.4 for May 1949 and calculating at Re. 0-2-6 per point rise over 100, the dearness allowance works out at Rs. 31-5-0 only. The contention of the Association is not therefore tenable.

The next contention urged for the Association is that at the conference held on 5th April 1950 in the presence of the Hon'ble Minister it was suggested that dearness allowance should be based on the cost of living index number at Re. 0-2-6 per point rise as is being paid by the Textile Mills; that this demand was made on behalf of the Labour Association and therefore must be deemed

to be the demand of the Association. In answer to this the management contends that this cannot be deemed to be the demand of the Association but was only a suggestion made at the conference which was not accepted by the management. It will be seen from Exhibit XIII that what was raised for discussion at the conference was only a suggestion to explore the possibility of a settlement between the parties without recourse to a Tribunal and it could not therefore be put any higher. It is also pertinent to note that among those present at the conference it was only the Labour Commissioner that stated that the Company could well afford to pay dearness allowance on the basis so suggested and none of the representatives of the Association mentioned anything about this principle.

But the Association has relied upon another statement in Exhibit XIII to support the plea that it was a demand of the Association. When the General Manager stated to the Minister that he would place his views before the Board at its next meeting which was likely to be held within the next fortnight or so, the representative of Indian National Trade Union Congress stated that it was very necessary that the final decision of the management should be communicated as early as possible because, if the management could not accept the suggestions of the Minister, the Association would have to consider what further steps should be taken, as, in the event of the Association deciding to call a strike, it would have to do so within two months of the date of the publication of the Chief Conciliator's report in the Gazette, viz., by 23rd May 1950 in accordance with the Mysore Labour Act.

With regard to this contention it has to be pointed out that the representative of the Indian National Trade Union Congress is not a member of the Labour Association and none of the members of the Labour Association, viz., the President and three other Office-bearers present, said anything with regard to the suggestion of the Minister and under the Mysore Labour Act the representative of the Indian National Trade Union Congress cannot represent the Association although, as recorded in Exhibit XIII he may be leading the Labour Association. In our opinion, therefore there is much force in the contention that the demand put forward in the statement cannot be considered to be a definite demand by the Labour Association.

In the course of the argument it was also urged for the Association that though the suggestion made at the conference may not be considered to be a demand by the Association, yet it must be deemed to have been considered by the Government as an 'apprehended dispute' within the meaning of Section 10 (1) (c) of the Industrial Disputes Act and that, therefore, the reference made by Government to this Tribunal must be construed to relate to enhancement of present scales of dearness allowance based on the cost of living index at Re. 0-2-6 per point rise over 100. But as was rightly urged for the Management, the Government order constituting the Industrial Tribunal is for the adjudication 'of certain *existing* industrial disputes' and not 'an apprehended dispute'. Moreover, as the rate of Re. 0-2-6 per point rise is not mentioned in the notice of demand, the existing dispute referred for decision can only be taken to be the one contained in the notice of demand.

— When the Industrial Disputes Act, 1947 was introduced into Mysore, the Mysore Labour Act was in force. Under Article 254 of the Constitution of India, the effect of the introduction of the new Act is that the law made by the Mysore Legislature to the extent to which it is repugnant to the law made by the Centre, is void. So much of the Mysore Labour Act and the Rules thereunder as are not repugnant to the provisions of the Industrial Disputes Act continue, therefore, to be in force in Mysore. The procedure to be followed for making a demand is prescribed by Section 10 of the Mysore Labour Act and the Rules framed thereunder, and they are not repugnant to the provisions of the Central Act. Consequently, the 'existing disputes' referred to in the Government Order constituting the Tribunal must be taken to be those contained in the notice of change. The Government Order does not also mention that the dispute referred to the Tribunal was an 'apprehended dispute'.

The decision reported in 1950 Dominion Law Reporter, Volume V, page 92, is relied upon by Mr. Ramachar for the position that, even though the notice of change given by the Association did not demand that dearness allowance should be given on the basis of the cost of living index number at Re. 0-2-6 per point rise, yet the Government has jurisdiction to refer an industrial dispute to an Industrial Tribunal, despite the fact that

such dispute may not have arisen as a result of the notice of change. That was a case under the Bombay Industrial Relations Act and the Judgment of Tendolkar J, was based upon the construction of Section 73 of that Act. Under that section, notwithstanding anything contained in that Act, the Provincial Government may at any time refer an industrial dispute to the Industrial Court if, on report made by the Labour Officer or otherwise, it is satisfied that :

(1) by reason of the continuance of the dispute, a serious outbreak of disorder or a breach of the public peace is likely to occur OR a serious or prolonged hardship to a large section of the community is likely to be caused or the industry concerned is likely to be seriously affected or the prospects for scope for employment therein curtailed ;

(2) the dispute is not likely to be settled by other means OR

(3) it is necessary in the public interest to do so.

The opinion of Tendolkar J, is that the provisions of Section 73 override the provision of Section 42 of that Act under which notice of change is necessary with regard to an industrial dispute.

There is no provision in the Mysore Labour Act corresponding to Section 73 of the Bombay Industrial Relations Act giving jurisdiction to the Government to refer an industrial dispute under circumstances referred to in Section 73 of that Act. We are therefore of the opinion that this decision cannot be made applicable to the present case. We may in this connection refer to the decision reported in Volume I of the Labour Law Journal—August 1949—page 407—and to the ruling of the Industrial Tribunal in Bombay at page 419 where it is stated as follows :—

“ In the course of the statement of claim, however, the Union has asked for an increase over the scale of dearness allowance asked for originally. As to this latter, I am afraid, it is not open to me to consider it, since it involves a question of jurisdiction in the sense that the Adjudicator is invested with jurisdiction to adjudicate on the demand referred to him and not to go beyond it. The Union must therefore be confined to the original demand, etc.”

For the foregoing reasons our finding on Issue No. 3 is in the affirmative.

The questions that now arise for consideration are those raised in the first and fourth issues, *viz.*,

“Is the dearness allowance to be enhanced to Rs. 32-8-0 as demanded by the Labour Association in the notice of change ;”
AND

“Are the present rates of dearness allowance inadequate, if so, what is the rate of dearness allowance to be fixed.”

We have stated in the previous paragraphs the several reasons given by the Labour Association to support their claim for increased dearness allowance. In brief they are that the wages now paid to the workers are too low compared to the cost of living index at present and that the rates of dearness allowance paid to the workers along with the wages paid are too inadequate to meet the present high cost of living. It is stated that the wages fixed for the workers in 1939 and those now paid were not based on any principles nor were they fixed by any Industrial Tribunal. It is therefore claimed that the minimum wage of the worker that ought in all fairness to be paid to-day should be taken into consideration and the dearness allowance fixed so that it might along with that wage meet the living cost of the workers.

Various authorities are relied upon for that position. The following passage at page 203 in the book entitled “The Indian Working Class—by Radhakamal Mukherjee” was strongly relied upon by Mr. Ramachar :—

“It is necessary, in the interests of industrial peace and the maintenance of efficiency, standard of living, and morale of all workers in all war time, that wage boards like those in Great Britain and many other industrial countries should be established in the principal industrial centres in India. These wage boards in the first place should guarantee a minimum living wage for the lower grade of workers in the different industrial centres. Thus for Northern India the basic amount of Rs. 30 calculated as the living wage at the pre-war price level will have to be increased in proportion to the rise of index numbers of the cost of living.”

The same author has stated at page 132 :

“There are two broad considerations which enter into the determination of minimum wage-rates in modern countries. One basic consideration is that every normal workers shall be paid a wage which is adequate ‘to promote health, efficiency and general well-being’ to use the phrase of the Fair Labour Standards Act

of 1938, U.S.A. and to enable him to maintain himself and his family in accordance with such standard of living as may be reasonable in relation to the nature of his occupation. There are therefore minimum rates below which the wage ought not to be allowed to fall. The second consideration is that workers should be paid at rates more or less equivalent to the rates offered to workers in comparable occupations. Thirdly, the rates should be such as what the conditions of the trade or industry permit to pay to the workers. These considerations are to some extent inter-dependent. The human needs of labour cannot be interpreted without reference to national income and the customary earnings that are related to the economic wages of the industry. Thus practical considerations in respect of the economic position of the industry; costs of production, output and profits as well as national income per capita inevitably enter into the determination of the normal and reasonable needs of workers by wage fixing bodies."

The above passage itself shows that factors other than that of the need of the worker have also to be taken into consideration while fixing the wages of a worker.

It is therefore urged for the Management that the industrial workers alone cannot claim to be placed in point of their wages on a more favourable position than that of the other sections of the community and whether the capacity of the industry as a whole is such as to meet the requirements of a living wage should also be taken into consideration.

In another paragraph at page 133 of the same volume the author says :

"On the other hand sub-marginal industrial undertakings which cannot afford to pay living wages to the workers have no right to exist ; and the sooner these are forced out of the field the more surely the standards of decent living and working conditions established themselves in the country."

The idea may perhaps be applicable to undertakings in a well-established industry like the Textile Industry in India, but in our opinion, they cannot be made applicable to industries which are newly started and are attempting to establish themselves and stand on their own feet. Particularly at the present time when industries in India are sought to be started and firmly established and when they are to meet competitions from other countries, it would be detrimental to the interests of the country if this principle is adopted. The workers in such industries should realise that they should also help the management

to see that the industry is made to establish itself. Otherwise the workers themselves will be losers if the industry is forced to be closed down.

Reliance is also placed upon the Report of the Central Pay Commission at page 13 where it is said :

"We accordingly think that it would be safe to recommend a basic salary fixed on the assumption that prices may stabilise at a level which will give a cost of living index somewhere between 160 and 175 taking the pre-war index to be 100. So long as the cost of living continue to be substantially higher, some system of dearness allowance must continue in operation."

Again at page 33, it is said :

"After some discussion the majority of the members agreed that Rs. 55 per mensem (made up of basic salary plus dearness allowance) would be a fair minimum wage at a cost of living index of 260. Later it is stated : "It was next agreed that the sum of Rs. 55 might be split up into Rs. 30 as basic pay and Rs. 25 as dearness allowance." It is also said : "We are convinced that in the best interests of the country and of public service it is necessary that the lower ranks of the services should be placed in a position in which their total earnings, i.e., the aggregate of their pay and dearness allowance will suffice to provide a reasonable subsistence for them." It will be observed that the basic salary of Rs. 30 is fixed on the footing that the normal index ranges from 160 to 175 taking the pre-war index to be 100 and Rs. 25 dearness allowance is fixed on the basis that the index is 260. With regard to unskilled labour on page 124 in para 222, it is said : "We have therefore, come to the conclusion that a minimum wage standard should be adopted by the State and that a scale of Rs. 30 to Rs. 35 would be the appropriate basic remuneration for unskilled labour on the basis of a cost of living index of 160 to 175."

It is only in the Textile Industry that a minimum wage of Rs. 26 for 26 days of working and dearness allowance based on the cost of living index per point rise over the normal of 100 is given. The rate per point rise also varies from place to place in the Presidency of Bombay according to local conditions but for other industries different rates of basic wages and rates of dearness allowance are paid.

In the United Provinces, the report of the Labour Enquiry Committee contains this passage :

"Our experience of the conditions ruling in different centres and industries gained during the enquiry has led us to the conclusion that the industrial units in the Province can be conveniently put into the following three categories for the purposes of granting dearness allowance."

That Committee recommended a monthly rate of three annas per point of increase over pre-war cost of living index for "A" category (under which fell Cotton textile mills in Cawnpore and Lucknow, woollen mills and firms manufacturing vegetable ghee), two and half annas for "B" category (under which fell cotton textile mills outside Cawnpore and Lucknow, iron and steel companies, tanneries in Cawnpore, all units engaged in jute, sugar, oil, glass industries, etc.), and two annas for "C" category (under which fell all other units of industries). This shows that a uniform rate of dearness allowance was not recommended for all industrial workers in the United Provinces but that rates varied according to the nature of the industry, the place where they were located and the position of the industry.

It may be pointed out at the outset that in the Mysore Vegetable Oil Products Co., Ltd., there is no definite wage structure or wage scales and there are no fixed increments. The minimum wage paid to an unskilled workman in 1939 was annas five per day or Rs. 8-2-0 for 26 working days. In 1950 an unskilled worker is being paid 11 annas per day or Rs. 17-14-0 for 26 days and a dearness allowance of Rs. 25 per mensem. A semi-skilled worker was started on 6 annas per day or Rs. 9-12-0 for 26 days in 1939 but now he gets Re. 0-12-0 per day or Rs. 19-8-0 for 26 days and a dearness allowance of Rs. 25 per mensem. Skilled workers who were started on higher wages than Re. 0-5-0 and Re. 0-6-0 in 1939 are now earning wages ranging from Re. 0-14-9 to Rs. 2-4-9 and together with dearness allowance they are earning from Rs. 55 to Rs. 90 and odd. The Company started paying dearness allowance from the year 1941 at rates ranging from Rs. 1-8-0 to Rs. 12-8-0 till the year 1944 and subsequently in January 1945 they were paying dearness allowance at rates ranging from Rs. 15 to Rs. 20 per mensem; in July 1946 at Rs. 17-8-0 to Rs. 25 per mensem; and in July 1947 at Rs. 22-8-0 to Rs. 27-8-0 per mensem and from 1-4-1949 they have been paying at the rate of Rs. 25 per mensem to those workers earning up to Rs. 25 per mensem, Rs. 27-8-0 per mensem to those earning wages above Rs. 25 and up to Rs. 50 per mensem, and Rs. 30 to those earning above Rs. 50 per mensem.

In the written statements filed by the Labour Association it is not stated on what ground dearness allowance at a uniform rate of Rs. 32-8-0 per mensem was demanded. But in the course of argument, while substantiating the demand for payment of dearness allowance at the rate of Re. 0-2-6 per point rise above 100, it was urged that the method of calculating the dearness allowance is to determine the average wage of a worker in this Company and to neutralise that wage by rate of dearness allowance which would meet the cost of living, though not cent per cent, but at a somewhat lower percentage. Applying this principle it was pointed out that out of the 103 workers employed in this firm:

69 workmen were earning at

Re. 0-12-9 each (average) .. Rs. 54-15-9 in all per day

31 workmen were earning at

Rs. 1-3-9 each (average) .. Rs. 38-4-3

and 3 workmen were earning at

Rs. 2-1-10 each (average) .. Rs. 6-5-6

Total Rs. 99-9-6

This amount divided by 103 works out roughly to Re. 0-15-6 per day or Rs. 25-3-0 for 26 days. This average wage it was urged should be taken as basic wage for the index of 100 which is taken as normal in 1939. The index in July 1949 was 302.7. So, the difference is roughly 200 points. In order to fully neutralise it on this basis, the workmen must be paid Rs. 50 as dearness allowance which works out at Re. 0-4-0 per point rise. But the demand being Re. 0-2-6 per point the percentage of neutralisation is stated to be 62.5 per cent.

Although this principle was adopted in the earlier Bombay decisions it was not accepted in some of the later decisions of the Industrial Courts in Bombay. In the Industrial Court Reporter—January 1949—at page 37, it is said:

“It appears to me the contention of the Mills is not well-grounded. In Bombay until the recent award of February 1948, dearness allowance used to be granted on the basis of 76 per cent neutralisation for the rise above the average basic wage and not for the rise above the minimum basic wage. By the recent award that mode of calculation has been revised and dearness allowance

is calculated on the basis of 90 per cent neutralisation for the rise above the minimum basic wage of Rs. 30 fixed under the standardisation scheme."

In the Industrial Court Reporter--June 1950--at page 755, it is said :

" Under the former system when the dearness allowance was based on average wage and the neutralisation allowed was either 96 per cent or 76 per cent in the case of certain employees the neutralisation actually worked out much above 100 per cent. Such a system was obviously not scientific. Under the new system that is now suggested the effort is to neutralise the higher cost of living as far as possible for a worker who is getting the minimum wage. The figure of dearness allowance thus worked out will be the flat rate applicable for all workers and will therefore mean a smaller percentage of relief to those receiving higher wages. It will be obvious that the maximum that may be granted under this system is 100 per cent neutralisation of cost of living on the minimum wage while under the previous system there was fairly large class of workers who got more than 100 per cent neutralisation. In practice there may be circumstances justifying lower neutralisation."

The contention that the dearness allowance should be calculated on the basis of average wage is not, therefore, supported by the latest decisions of the Bombay Industrial Court.

The principle adopted by the Bombay Industrial Court in the decisions quoted above is based upon sound reasons and practical considerations and supports the claim made by the Labour Association in the notice of change for a uniform rate of dearness allowance for all the workers and we, therefore, adopt it in the present case for determining the amount of dearness allowance to be paid to the workers in the Mysore Vegetable Oil Products, Ltd. With regard to the Textile Industries in Bombay, a standardised minimum of Rs. 30 has been fixed as the basic wage and Rs. 28 for Ahmedabad. Lower rates have been fixed for Sholapur and certain other places and the dearness allowance was based upon the minima stated above.

In the case of vegetable oil industries standardised minimum wage has not been fixed.

In the present case, the minimum basic wage paid to the workers in the year 1939 was Re. 0-5-0 for unskilled workers and in 1950 Re. 0-11-0 per day. These minima were fixed by the management itself and not on account of any adjudication. It is, therefore, necessary that for

purposes of calculating the dearness allowance on the principle stated above, this Tribunal should decide upon a minimum wage for the worker. Reference is made to the recommendations of the Central Pay Commission that Rs. 30 per mensem should be the lowest minimum wage that should be fixed for the industrial workers. This minimum wage is for the normal index of 160 and not for 100, as we have pointed out already. It would be Rs. 18-12-0 a month when the normal index is 100 or annas ten per day. Reference is also made to the basic wages paid in several industrial concerns in the State. The fixing of the basic minimum wage is governed by the Minimum Wages Act under which Government fixes the minimum wage *suo moto* or upon the recommendations of a Wage Board. Under that Act the minimum wage is linked up to the workload that a worker has got to turn out. The fixing of such a minimum wage would involve enquiry into the family budget of a worker and various other considerations have also to be taken into account in fixing the minimum wage. We feel that this Tribunal cannot launch on such an enquiry in order to fix the minimum wage. In this connection Mr. Ramachar, learned Advocate for the Labour Association, has requested us to rely upon a report prepared by an assistant of the Labour Commissioner for determining the requirements of a family of a worker. We feel that that report cannot be the basis for fixing the minimum wage of an industrial worker since the report has not, so far as we know, been accepted by the Government as laying down the correct principles on which the family budget was based. We are, therefore, unable to rely upon the report for fixing the minimum wage.

Then the question remains, whether the lowest minimum wage of annas five paid to the workers in this concern in the year 1939, when the index of cost of living stood at 100, is to be taken as the minimum wage for fixing the dearness allowance. If so, the total of wages, i.e., minimum wage and dearness allowance due to a worker would amount to Rs. 24-6-0, when the index stands at 300. We consider, therefore, that annas five cannot be taken as a fair minimum wage. Obviously this is too low and the management has itself considered this too low and has been paying Rs. 42-14-0 a month. Nor can we accept Re. 0-11-0 a day now being paid for

26 working days in the month to unskilled labour as a fair minimum wage since it is not based on any principle. We have already referred to the minimum of Rs. 30 per mensem recommended by the Central Pay Commission for the normal index of 160. It would be Rs. 18-12-0 for a month of 30 days for the normal index of 100 or annas ten a day. We may, therefore, adopt Re. 0-10-0 a day or Rs. 16-4-0 for 26 working days as minimum wage for a normal index of 100 for the purpose of fixing dearness allowance in this case.

With regard to the rise in the index above 100 it was:

302.7 in July 1949

301.6 in August 1949

296.3 in September 1949

299.0 in October 1949

305.0 in November 1949

305.0 in December 1949

301.0 in January, February and March 1950, and

306.0 in April 1950.

The figures, therefore fluctuated round about 300 and we, therefore, take 300 as the index for the purposes of fixing dearness allowance at the time of the notice of demand. Taking annas ten a day as the minimum wage when the cost of living index stood at 100, the total wages including the dearness allowance, a worker has to get would be Rs. 48-12-0 per mensem of twenty-six working days for the cost of living index at 300. Deducting Rs. 17-14-0 which the lowest paid worker in the Mysore Vegetable Oil Products Company is now getting (*vide* Exhibit 26), from Rs. 48-12-0 as wage for 26 days, the dearness allowance would come to Rs. 30-14-0.

For the Labour Association it is urged that the workers in Textile Industry are getting higher rates of dearness allowance and that the workers in this industry also should get the dearness allowance at more or less those rates. So far as the textile industry is concerned it is a well established industry in which large capital has been invested and there is no comparison between the Textile industry and the Oil industry. It was also urged that concerns like the Hindusthan Aircraft, Ltd., and the Telephone Company are also paying higher rates

of dearness allowance. It must be observed that these concerns are connected with the India Government and their scales of wages and dearness allowance cannot be taken for consideration when dealing with a local industry like the present industry. Similarly, the wages and dearness allowance paid in certain commercial concerns such as the Addison and Company, Simpson and Company, and the General Electric Company are brought to our notice for purposes of comparison. With regard to these it must be noted that those concerns are branches established in the Mysore State with their Head Offices in Madras and other places outside Mysore, and they are paying wages and dearness allowance at rates at which their central establishments are being paid. Then it is urged that this very company which has a branch in Madras is paying dearness allowance at the rate of Re. 0-2-6 per point rise above 100. It is pointed out by the Management that these rates are paid in Madras in conformity with the rates paid to the industrial workers in that city. There is much force in this contention.

It is also urged that the Vegetable-Oil Product has built up a huge reserve and could, therefore, afford dearness allowance at rates which are paid by other industrial concerns. In answer to this it must be said, as has been urged on behalf of the Company, that the reserves are generally not meant for the purpose of paying the staff but for a different purpose altogether, viz., for replacements of machinery, re-building of the premises, etc.

It is then urged that the Company was making good profits so as to justify the demand made by the Labour Association. It will be seen from Exhibit D Series that the Company made a net profit of 1.31 lakhs in 1945, in 1946, 1.53 lakhs, in 1947, 3.78 lakhs, in 1948, 2.13 lakhs and in 1949, 2.11 lakhs, but in 1950 the profit made was only Rs. 79,624. It is urged on behalf of the company that on account of control introduced on the sale of vanaspati without any control over the raw material, the Company has been put to considerable difficulty. It is also urged that when this Company was the sole concern for manufacturing vegetable oil it was making good profits but, since several other concerns have been started in the Mysore State as also elsewhere for manufacturing the same article, there is keen competition which has, therefore, forced the Company to sell at unremunerative

prices. In fact it is urged that the Company had to stop production on account of accumulation of stocks for nearly four months in the year. It was urged on behalf of the Association that the trading and profit and loss account for the month of June 1950 showing a loss is inconsistent with the statement furnished to the Directors which shows a profit at the end of June 1950. The explanation given by the Management is that the loss shown in the month of June 1950 is due to the fact that the closing stocks at the end of the month were valued at the cost price which is higher than the market price, whereas in the accounts furnished to the Directors it is the reverse, since when the latter statement was prepared, the market price was known but when the former statement was prepared it was not known and the estimate of the closing stocks was that of the General Manager. In our opinion the explanation is not unacceptable.

For the Management it is urged, that the rates of dearness allowance paid by this Company is much more than what the Government Industrial concerns pay and what other similar industries pay in the State. It is true that the scales of dearness allowance paid by the Government is lower than the scales paid in this concern, but it must be noted that Government is not a profit making body and as such there cannot be any comparison with them (*vide* the Indian Working Class Radhakamal Mukerjee). This Company has no doubt been paying a higher rate than the other oil companies in the State both in Bangalore and Davangere as could be seen from Exhibit XIX series. Moreover, it is to be noted that the other oil company in Bangalore has recently been started and the oil companies in Davangere are in the moffusil where the conditions of living may be different and we have no information as to their capacity to pay. But that the other concerns have been paying less dearness allowance will not be a good ground for not paying the workers of this concern at rates which are fair and necessary to be paid to the industrial workers.

It is next urged that any increase over the rates of dearness allowance now paid would place the company at a disadvantage in competition with other oil factories, and therefore, the Company cannot bear any additional burden. We have given full consideration to this aspect

of the Company's case. In this connection we must say that the Company has been fairly considerate in meeting the wants of their workers by paying voluntarily dearness allowance in order to meet the higher cost of living from time to time, as we already stated in the previous paragraphs.

Nevertheless, it is difficult to uphold the plea put forward by the company that its financial position is such that it cannot bear any additional burden. A perusal of the Balance Sheets filed in the case clearly negatives that plea. The Company has not only built up a strong reserve, but has paid very handsome dividends to its shareholders. Furthermore from out of the reserves Bonus shares equal to 50 per cent of the subscribed capital were given free to the shareholders. The assertion that the reserve has been mostly re-invested in the industry does not thus expound the position correctly.

Exhibit D series and Exhibit X are the balance sheets from the year 1945 to 1950.

Exhibit D-1 which is the balance sheet for the year ended 30th June 1948 shows that at an extraordinary general meeting of the shareholders held on 15th November 1947, 30,000 shares of the Company were issued as bonus shares free of cost to the Company's shareholders. The shareholders had thus the benefit of an enhancement of their share money by 50 per cent at no cost, which shows that they had very rich returns for their investments apart from the very handsome dividends the Company has been paying all along.

The earliest balance sheet on the record, Exhibit D-4, for the year ended 30th June 1945 shows payment of a dividend of Rs. 2 per share and that works at 20 per cent free of income-tax. Exhibit D-3 is the balance sheet for the year ended 30th June 1946 which shows that an interim dividend at the rate of Re. 1 and a final dividend at the rate of Re. 1 together with a bonus of Re. 0-8-0 per share were paid. This works at 25 per cent free of income-tax. Similarly Exhibit D-2 for the year ended 30th June 1947 shows that the shareholders got a dividend of 25 per cent free of income-tax. Exhibit D-1 is the balance sheet as at 30th June 1948. That requires a closer scrutiny. It will be remembered that towards

the end of 1947 bonus shares of the value of half of the subscribed share capital were authorised to be allotted free to the shareholders and that resulted in an artificial raising of the capital by 50 per cent. Even so it will be noticed that excluding the interim dividend paid on the original capital which works at Re. 0-12-0 a share, the shareholders got for the year a final dividend of Re. 1 and a bonus of Re. 0-8-0 per share, and it may be noted, that before the end of the accounting year the artificial appreciation of the capital had been given effect to. Exhibit D which is the balance sheet as at 30th June 1949 also shows that the Company was in a very prosperous position. The balance sheet is dated 22nd October 1949, i.e., about two months after the notice of change was issued to the General Manager of the Company by the Labour Association. That shows that a sum of Rs. 56,230-10-0 was distributed as interim dividend in July 1949 (at Re. 0-10-0 per share) and that a final dividend including bonus at Rs. 1-2-0 per share was paid (i.e., 17½ per cent in all) and that, on the appreciated capital as above mentioned. The latest balance sheet Exhibit X for the year ended 30th June 1950 also shows that the Company is in a prosperous position financially, although the dividend has declined to some extent. Even so the return is quite satisfactory as a dividend of Re. 1-2-0 per share free of income-tax was paid on each share which works at 11½ per cent on the appreciated capital and that cannot be stated to be a discouraging position and this was during the proceedings before the Industrial Tribunal. In the light of these facts it is very difficult indeed for the Company to maintain that the financial position of the Company cannot bear any additional burden by way of dearness allowance. It is but just and equitable that the workmen do get enhanced dearness allowance having regard to the high rise in the cost of living index and more so in view of the strong financial position of the Company, as disclosed by the facts detailed above. It may also be mentioned that certain amenities, which according to the case for the Company are provided to workmen are not of an appreciable value and cannot therefore affect the question. That the profits have of late been showing a tendency to decline cannot, however, be ignored, and in our opinion it may not therefore be justifiable to award the full amount of Rs. 30-14-0 mentioned above.

Having regard to all these circumstances we consider that dearness allowance at a uniform rate of Rs. 30 (rupees thirty only) per worker be paid to all the workmen. The result will be that 69 workmen would get Rs. 345 per mensem or Rs. 4,140 per annum more than what they are now getting and 31 workmen would get Rs. 77-8-0 per mensem or Rs. 930 more per annum. In all, the additional burden on the Company would be Rs. 5,070 per annum and this burden, it may be said without hesitation, the Company can easily bear. On this basis, three workmen would get nothing more than what they are now getting. This is unfortunate, but cannot be helped.

Our award therefore is that a dearness allowance of Rupees thirty (Rs. 30) a month of 26 working days be paid to all workers.

The next issue is Issue No. V, viz.,

“From what date is the enhancement of dearness allowance, if any, to be paid?”

The notice of demand was given on the 27th of July 1949 and in that notice, the demand is that the increased rate of dearness allowance should be paid from the 1st of July 1949. We do not see any reason to give effect to our Award from the 1st of July 1949. It would be reasonable to give effect to the Award from the 1st of August 1949. The arrears of dearness allowance payable under the award will be payable in two instalments—the first instalment on the day the Award becomes enforceable and the other within one month thereafter.

A. R. NAGESWARA IYER,

Chairman.

T. SINGARAVELU MUDALIAR,

Member.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

A.C. No. 1 of 1950-51.

The Mysore Vegetable Oil Products Labour Association,
Bangalore

vs.

The Mysore Vegetable Oil Products Company, Limited, Bangalore.

LIST OF EXHIBITS ADMITTED ON BEHALF OF THE MANAGEMENT.

Sl. No.	Exhibit	Particulars in brief	Date of admission
1.	I	Letter, dated 12th June 1950 from Government Soap Factory, Bangalore, to the General Manager, Mysore Vegetable Oil Products Company regarding dearness allowance.	8-8-1950
2.	II	Letter, dated 16th June 1950 from Government Porcelain Factory to the Management regarding dearness allowance.	"
3.	III	Letter, dated 10th June 1950 from Mysore Chrome Tanning Company, Ltd., to the Management regarding dearness allowance.	"
4.	IV	Letter, dated 9th June 1950 from Mysore Lamp Works, Ltd., to the Management regarding dearness allowance.	"
5.	V	Letter, dated 5th June 1950 from Mysore Chemicals and Fertilisers, Ltd., to the Management regarding dearness allowance.	"
6.	VI	Letter, dated 5th June 1950 from Mysore Glass & Enamel Works, Ltd., to the Management regarding dearness allowance.	"
7.	VII	Letter, dated 4th June 1950 from Mysore Spun Silk Mills, Ltd., Channapatna to the Management regarding dearness allowance.	"
8.	VIII	Letter, dated 6th June 1950 from Mysore Sugar Co., Ltd., to the Management regarding dearness allowance.	"
9.	IX	Letter, dated 17th June 1950 from Chief Inspector of Mines and Explosives, Oorgaum to the Management regarding dearness allowance paid in mining companies, etc.	"

<i>Sl. No.</i>	<i>Exhibit</i>	<i>Particulars in brief</i>	<i>Date of admission</i>
10.	X	Letter, dated 12th June 1950 from Mysore Iron & Steel Works to the Management regarding dearness allowance.	8-8-1950
11.	XI	Enclosurè to Exhibit X regarding dearness allowance.	"
12.	XII	Letter, dated 29th July 1950 from Sri Krishnarajendra Mills regarding dearness allowance.	"
13.	XIII	Copy of letter, dated 29th April 1950 from the Management to the Law Secretary to Government, enclosing a copy of the Board's Resolution, dated 26th April 1950.	"
14.	XIV	Directors Report of Mysore Vegetable Oil Products Company for the period ended 30th June 1949. (Balance Sheet).	"
15.	XV	Proceedings of the K.G.F. Minimum Wage Committee, etc.	"
16.	XVI	Statement showing Cost of Living Index figures for Bangalore, K.G.F. and Mysore, from January 1949 to April 1950, filed by the Management.	"
17.	XVII	Verbatim report of the reply of Minister for Food and Agriculture, Government of India, to the debate of Pandit Bhargava's Bill to ban the manufacture and sale of Vanaspati.	"
18.	XVIII	Statements showing rates of wages, dearness allowance (Total emoluments) paid to 10 workers in Mysore Vegetable Oil Products Company from 1939 to 1949.	17-8-1950
19.	XIX	Letter, dated 17th July 1950 from Bramahappa Tavanappanavar, Ltd., to the Management regarding basic wages and dearness allowance.	"
20.	XIX(A)	Letter, dated 15th August 1950 from Bramahappa Tavanappanavar, Ltd., to the Management regarding basic wages and dearness allowance.	"
21.	XIX(B)	Letter, dated 8th August 1950 from Davangere Vanaspati Vegetable Oil Co., Ltd., to the Management regarding dearness allowance.	"

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<i>Sl. No.</i>	<i>Exhibit</i>	<i>Particulars in brief</i>	<i>Date of admission</i>
22.	XX	Trading and Profit and Loss Account for June 1950 and for 12 months ended June 1950 of Mysore Vegetable Oil Products Company, Ltd.	17-8-1950
23.	XXI	Trading and Profit and Loss Account for July 1950 of Mysore Vegetable Oil Products Company, Ltd.	"
24.	XXII	Statement showing Cost of Living Index figures for Bangalore and K.G.F. from March 1942 to end of December 1944.	"
25.	XXIII	Statement showing the rates of wages of 11 workers in Mysore Vegetable Oil Products Co., Ltd., from 1939 who are still in service.	28-8-1950
26.	XXIV	Wages Bill for June 1949 (original) of 105 workers in Mysore Vegetable Oil Products Co., Ltd.	26-9-1950
27.	XXV	Statement regarding Trading and Profit and Loss Account for June 1950 and for 12 months ending June 1950.	"
28.	XXVI	Statement of minimum rates of wages paid to unskilled and semi-skilled categories of workers.	22-11-1950
29.	XXVII	Statement showing Profit and Loss Account for May 1950 and for 11 months ended May 1950.	"

A. R. NAGESWARA IYER,

Chairman.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

A.C. No. 1 of 1950-51.

The Mysore Vegetable Oil Products Labour Association,
Bangalore

vs.

The Mysore Vegetable Oil Products Company, Limited, Bangalore.

LIST OF EXHIBITS ADMITTED ON BEHALF OF MYSORE VEGETABLE
OIL PRODUCTS LABOUR ASSOCIATION.

Sl. No.	Exhibit	Particulars in brief	Date of admission
1	A	Letter, dated 5th August 1950 from Messrs. Simpson & Co., to the President, Mysore Vegetable Oil Products Labour Association, regarding dearness allowance.	8-8-1950
2	B	Letter, dated 5th August 1950 from Addison & Co., Ltd., Bangalore to the President of the Association, regarding dearness allowance.	"
3	C	Statement showing the basic wages and dearness allowance paid to daily rated employees from July 1945 to March 1949 in Mysore Vegetable Oil Products.	"
4	D	Balance sheet of Mysore Vegetable Oil Products, as at 30th June 1949.	"
5	D1	Balance sheet of Mysore Vegetable Oil Products, as at 30th June 1948.	"
6	D2	Balance sheet of Mysore Vegetable Oil Products, as at 30th June 1947.	"
7	D3	Balance sheet of Mysore Vegetable Oil Products, as at 30th June 1946.	"
8	D4	Balance sheet of Mysore Vegetable Oil Products, as at 30th June 1945.	"
9	E	Letter, dated 8th August 1950 from G. E.'s office, Bangalore, to the Labour Association, regarding dearness allowance.	17-8-1950

<i>Sl. No.</i>	<i>Exhibit</i>	<i>Particulars in brief</i>	<i>Date of admission</i>
10	F	Letter, dated 9th August 1950 from O.C. 515 Command E.M.E. Workshops to the Labour Association, regarding dearness allowance.	17-8-1950
11	G	Letter, dated 10th August 1950 from Indian Telephone Industries, to the Labour Association, regarding dearness allowance.	„
12	H	Letter from the Labour Commissioner, Bangalore to the Organiser, I.N.T.U.C., Bangalore, dated 8th August 1950 regarding the information of dearness allowance.	28-8-1950
13	J	Letter, dated 16th August 1950 from H.A.L., to the President of the Mysore Vegetable Oil Products Labour Association, regarding dearness allowance.	„

COURT EXHIBIT.

Exhibit X	Balance sheet of Mysore Vegetable Oil Products, as at 30th June 1950.	5-3-1951 .
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A. R. NAGESWARA IYER,

Chairman.

NOTIFICATIONS.

No. FL 9200—S.T. 32-50-4, dated Bangalore, 19th March 1951.

In exercise of the powers conferred by Section 26 of the Motor Spirit (Taxation on Sales) Act, 1949, (Mysore Act XLIX of 1949), His Highness the Maharaja of Mysore is pleased to direct that the following amendments shall be made in the Motor Spirit (Taxation on Sales) Rules, 1949, the draft amendments having been previously published in the *Mysore Gazette* dated the 16th November 1950 as required by sub-section (4) of the said section.

AMENDMENTS.

In the Motor Spirit (Taxation on Sales) Rules, 1949.

1. For sub-rule (1) of Rule 20, the following sub-rule shall be substituted, namely :—

“(1) Every retail dealer shall keep true and correct accounts in Form ‘E’ of all daily transactions in Motor Spirit. The accounts for each day shall be made up and totalled before NOON of the following day. The reading of the pump issue meter at the end of each day shall also be entered in the accounts for the day :—

Provided that.—

- (a) where a retail dealer is registered also as an importer he shall keep a single set of accounts showing all his daily transactions in motor spirit; and
- (b) where a retail dealer is registered also as a wholesale dealer but not as an importer, he shall keep accounts in Form ‘E’ as well as separate accounts in respect of all his daily transactions as a wholesale dealer in motor spirit.

Explanation.—For the purposes of this sub-rule, a dealer who is registered as an importer shall be deemed to be registered as such in respect of all his places of business.

2. For sub-rule (1) of Rule 21, the following sub-rule shall be substituted, namely:—

“(1) In every month every retail dealer shall send in duplicate.—

- (i) a return in Form ‘F’ of the transactions relating to the previous month to the Sales Tax Officer of the area in which he is registered together with the treasury receipt referred to in section 6;
- (ii) a return in Form ‘F-1’ to the Sales Tax Officer of the area in which he is registered; and
- (iii) a return in Form ‘F-2’ to the Sales Tax Officers of the areas in which retail dealers to whom he issued motor spirit in the previous month are registered:—

Provided that—

- (a) where a retail dealer is registered also as an importer, he shall send the returns mentioned in sub-rule (1) of Rule 24; and
- (b) where a retail dealer is registered also as a wholesale dealer but not as an importer, he shall send the returns mentioned in this sub-rule as well as those mentioned in sub-rule (1) of rule 24.

Explanation.—For the purposes of this sub-rule, a dealer who is registered as an importer shall be deemed to be registered as such in respect of all his places of business.”

3. In clause (1) of sub-rule (1) of Rule 24, for the words and figure “together with the treasury receipt referred to in section 6,” words and figure “and in the case of an importer the treasury receipt referred to in Section 6” shall be substituted.

4. In forms H, H-1, H-2, H-3 and H-4 the words and brackets “(or depot)” and “(or Depots),” wherever they occur shall be omitted.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

No. A.F. 10709—Agri. 295-50-2, dated Bangalore, 19th March 1951.

In exercise of the powers conferred by Section 3 of the Mysore Cotton Control Act, 1942 (Mysore Act No. XII of 1942), and in supersession of Notifications No. A. F. 2846—Agri. 227-47-6, dated 10th November 1948 and No. A.F. 203—Agri. 297-49-2, dated 6th April 1950, His Highness the Maharaja of Mysore is pleased to direct as follows :—

1. No cotton other than M.A.V. Cotton shall be cultivated in the following areas in the State and such cotton shall be cultivated only out of the seeds supplied by the Department of Agriculture in Mysore, or by licensed agents authorised by the Director of Agriculture in Mysore :—

District	Taluk
1. Mandya ...	1 Mandya
	2 Maddur
	3 Malavalli
2. Mysore ...	1 Mysore
	2 Nanjangud
	3 Gundlupet
	4 Hunsur
	5 Periyapatna
	6 Heggaddevankote
3. Hassan	1 Belur
	2 Arsikere
	3 Arkalgud
	4 Holenarsipur
	5 Hassan
	6 Channarayapatna
	7 Alur
4. Chikmagalur ...	1 Kadur
	2 Tarikere
	3 Chikmagalur
5. Shimoga	1 Honnali
	2 Channagiri

Note.—"M.A.V. Cotton" means a superfine cotton with bright white (pearly) colour and silky feel. Its staple strength is "Strong" with a lint length varying from 1 1/32" to 1 1/8" with a ginning percentage between 35 and 37.

2. No person shall except in accordance with a license granted by the Director of Agriculture in Mysore, possess or sell cotton seed in the areas specified in Clause 1 or import by road, rail, air or river into the said areas or possess more than five pounds of cotton other than M.A.V. Cotton.

3. No person shall in the areas specified in Clause 1 mix M.A.V. Cotton with any other cotton.

4. This notification shall be in force for a period of three years.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

*Secretary to Government,
Food and Agriculture Departments.*

No. A.F. 10710—Agri. 295-50-3, dated Bangalore, the 19th March 1951.

The draft of the following rules which are proposed to be made in exercise of the powers conferred by section 14 of the Mysore Cotton Control Act, 1942 (Mysore Act No. XII of 1942), for the purpose of carrying into effect the purposes of the said Act in respect of notification No. A.F. 10708—Agri. 295-50-2, dated 19th March 1951, regarding the cultivation of M.A.V. cotton in certain areas in the State are hereby published for the information of all persons likely to be affected thereby as required by the said section.

Notice is hereby given that the draft will be taken into consideration after 15 days from the date of publication in the *Mysore Gazette*.

Objections or suggestions, if any, to the draft rules may be forwarded to the Secretary to Government, Food and Agriculture Departments, for consideration so as to reach him on or before the said date.

DRAFT RULES.

1. These rules may be called the M.A.V. Cotton Control Rules, 1951.

2. In these rules "Director of Agriculture" includes any other Officer of the Department authorised by him.

3. Applications for issue of certificates regarding the quality of M.A.V. Cotton should be addressed to the Director of Agriculture, Bangalore, in Form A annexed to these rules, and it shall reach the Director fifteen days

prior to the date of commencement of ginning of such Cotton.

4. The applications for certificates will be received by the Director of Agriculture only for a period of ten months from November to August of the following year.

5. The M.A.V. Cotton offered by any person for examination and issue of certificate of purity by the Director of Agriculture shall be only in Kappas (Cotton with seed) and the minimum quantity offered shall be 1,000 maunds of 28 lbs. each. The parties shall get the Kappas inspected just before ginning, by an officer of the Department of Agriculture duly authorised by the Director of Agriculture, Bangalore.

NOTE.—“Kappas” means cotton with seeds.

6. The Director of Agriculture will on request undertake to inspect and certify as to the purity of M.A.V. Cotton only in respect of the Cotton grown out of the seeds supplied by the Director of Agriculture or by those authorised by him.

7. Every applicant shall furnish in the application the following particulars:—

- (i) Source of purchase of kappas;
- (ii) Dates of purchase of kappas with addresses and quantities purchased, etc.;
- (iii) The area from which obtained (Taluk and Village);
- (iv) The source of the seed from which the crop was grown;
- (v) The name of the gin where the Cotton is to be ginned, and the press where the lint is to be pressed and baled, and whether these gins and presses are those certified by the Director of Agriculture;
- (vi) Total quantity of kappas offered for examination and
- (vii) Any other particulars that the Director of Agriculture may call for.

8. The kappas shall be ginned only in such gins certified by the Director of Agriculture and in the presence

of an Officer of the Department of Agriculture duly authorised by the Director of Agriculture in Mysore. The lint so obtained shall be examined for staple length and the same noted in the certificate.

9. The lint and seed obtained from the kappas so-ginned shall be separately stored and packed under the supervision of the Officer of the Department of Agriculture duly authorised by the Director of Agriculture in Mysore.

10. The Docras containing the lint thus obtained shall be duly marked and sealed by an officer of the Department of Agriculture duly authorised by the Director of Agriculture in Mysore.

NOTE.—“Docras” means the containers of lint.

11. The sealed Docras of loose lint shall be opened and pressed within 15 days from the date of sealing and in the immediate presence of an officer of the Department duly authorised by the Director of Agriculture in Mysore, M.A.V. Cotton lint shall be pressed into bales in the press specially licensed for this purpose by the Director of Agriculture. The press shall be cleared of all other cotton whatsoever before pressing of M.A.V. Cotton and pressing shall be done to the satisfaction of the inspecting Officer.

12. The pressed cotton shall be baled in the presence of an Officer of the Department of Agriculture duly authorised by the Director of Agriculture in Mysore, and all the bales so pressed shall be made available to the Departmental Officer for being imprinted with the Departmental seal, viz., “Mysore M.A.V.” and the serial No. of the bale, before the certificate can be issued in respect of these bales.

13. A certificate covering the nature, quality and contents of each consignment of cotton bales shall be issued by the Director of Agriculture in Form B annexed to these rules provided he is satisfied that all the conditions specified in the preceding rules have been fulfilled.

14. (a) No cotton which contains more than 15 per cent of mixture of long staple type (Dharwar American) as revealed by test of lint and seed will be eligible for certificate as M.A.V.

(6) No cotton having any mixture however small or short or medium staple types as revealed by test of lint and seed shall be eligible for a certificate.

15. Any person who contravenes any of these rules shall on conviction be punishable with fine which may extend to Rupees Fifty.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

*Secretary to Government,
Food and Agriculture Departments.*

FORM A.

Application for issue of Certificate for purity of M.A.V. Cotton.

To

The Director of Agriculture
in Mysore,
Bangalore.

Sir,

I/We the undersigned hereby apply for a grant of Certificate of purity of M.A.V. Cotton that is offered to you for examination. A Challan for having deposited a sum of Rs, ... (Rupees.) in Treasury under the head "Revenue Deposits" as earnest money towards the certificate fees, supervisory charges, etc., is herewith enclosed.

I/We furnish below the following particulars, and agree to provide all facilities to the officers of your Department to supervise the ginning, pressing and baling of the cotton, and I/We bind myself/ourselves to see that no cotton is mixed or attempted to be mixed with M.A.V. cotton at any stage.

(1) Full name and address of the party offering the cotton for examination;

(2) Source of purchase of kappas (a) the addresses of the parties from whom purchased; (b) Dates of purchase; and (c) quantities purchased;

(3) The area from which the kappas were obtained (taluk—village);

(4) The source of the seed from which the crop was grown;

(5) The name of the gin where the cotton is proposed to be ginned and the press where the lint is proposed to be pressed, and

baled; and whether the gins and press are those certified by the Director of Agriculture;

(6) Total quantity of kappas offered for examination;

(7) License No. obtained to deal in cotton;

(8) Other particulars.

Signature of the Applicant.

FORM B.

GOVERNMENT OF MYSORE

DEPARTMENT OF AGRICULTURE.

OFFICE OF THE DIRECTOR OF AGRICULTURE
IN MYSORE,

No.

Bangalore, dated.....

Certificate Regarding the Quality of M.A.V. Cotton.

It is certified that (number of bales) (in words) cotton bales marked "MYSAGRI" M.A.V. Special/Bulk from departmental serial No. to (both inclusive) Press mark, ... Crop year..... Running Number belonging to Messrs and pressed in..... (Name of the Mills) in the month of 195 , contain Mysore M.A.V. cotton lint which has a minimum staple length of one inch.

M.A.V. special contains less than 5 per cent admixtures.

M.A.V. Bulk contains between 5 and 15 per cent admixtures.

No certificate is issued for M.A.V. cotton containing more than 15 per cent admixtures of other Doddahatti (Dharwar-American) or any per cent of Sannahatti.

Seal of the Office of the
Director of Agriculture.

Signature of the Assistant Botanist
or any Officer deputed for Supervision.

Signature of the Licensing Authority,
Director of Agriculture in Mysore.

(HOME DEPARTMENT)

No. H.A. 11317—Pol. 659-50-3, dated Bangalore, 20th March 1951.

In exercise of the powers conferred by Section 8 of the Preventive Detention Act, 1950 (Central Act IV of 1950) as amended by the Preventive Detention (Amendment) Act, 1951 (Central Act IV of 1951) and in supersession of Notification No. H. 770—Pol. 263-49-18, dated 19th April 1950, His Highness the Maharaja is pleased to constitute an Advisory Board for the purpose of the said Act and to appoint the following persons to be members of the said Board:—

1. *Rajadharmaprasakta* Sri A. R. Nageswara Iyer, B.A., B.L.,
Retired Judge of the Mysore High Court;
2. *Rajadharmaprasakta* Sri T. Singaravelu Mudaliar, B.A., B.L.,
Retired Judge of the Mysore High Court;
3. Justice Sri B. Vasudeva Murthy, B.A., LL.B., Judge, High
Court of Mysore.

By Order of His Highness the Maharaja,

K. SRINIVASAN,

Chief Secretary to Government.

No. E.B. 1206—Eln. 17-50-1, dated Bangalore, the 21st March 1951.

In exercise of the powers conferred by Clause (b) of Rule 2 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, and in supersession of Notification No. L.B. 1744—L.A. 48-50-3, dated the 30th August 1950, His Highness the Maharaja of Mysore is pleased to appoint the Commissioner of Labour in Mysore, Bangalore, to perform the functions of the Chief Electoral Officer for the State of Mysore under the said Rules.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*

Reg. No. M. 1175



The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, MONDAY, MARCH 26, 1951.

PART IV

Section 2-A.

**BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON
AND ACTS AND ORDINANCES OF MYSORE.**

NOTIFICATION.

No. 6911—L.A., dated Bangalore, the 26th March 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders, the report of the Select Committee on the Mysore Legislative Assembly (Prevention of Disqualification) Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,

Secretary,

Mysore Legislature.

MYSORE LEGISLATIVE ASSEMBLY.

BUDGET SESSION—MARCH-APRIL, 1951.

Report of the Select Committee on the Mysore Legislative Assembly (Prevention of Disqualification) Bill, 1951.

(Presented on 26th March 1951.)

We, the Members of the Select Committee to which the Mysore Legislative Assembly (Prevention of Disqualification) Bill, 1951 was referred have considered the several provisions of the Bill in detail and have the honour to submit the following report:—

As the provisions of the Bill will have to apply to the two Houses of Legislature which will come into existence after the General Elections, we recommend that for the words "Mysore Legislative Assembly" wherever they occur, the words "Mysore Legislature" may be substituted.

Clause 3.—As the Constitution requires that the declaration by the Legislature of any office as an office whose holder will not be disqualified from membership should be only by law, we recommend that this clause may be omitted.

Schedule.—We recommend that items 2, 3, 4 and 5 may be deleted and that item 6 may be renumbered as item (2) and recast as follows:—

"Chairman, Director or Member of any Committee or Board appointed by Government."

The Bill was published in the *Mysore Gazette Extraordinary* dated 14th March 1951.

In our opinion the Bill has not been so altered as to require republication.

K. T. BHASHYAM (*Chairman*).

M. MUNISWAMY.

M. N. JOIS.

S. RANGA RAO.

B. CHANNA BYRE GOWDA.

M. GOVINDA REDDY.

H. C. LINGA REDDY.

BANGALORE, }
23rd March 1951. }

[AS AMENDED BY THE SELECT COMMITTEE.]

(Words underlined or sidelined indicate the amendments suggested by the Committee; asterisks indicate omissions).

THE MYSORE LEGISLATURE (PREVENTION OF DISQUALIFICATION) BILL, 1951.

A Bill to provide that holders of certain offices of profit shall not be disqualified for being chosen as, and for being members of, the Mysore Legislature.

WHEREAS it is expedient to provide that holders of certain offices of profit shall not be disqualified for being chosen as, and for being members of, the Mysore Legislature; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Legislature Short title
(Prevention of Disqualification) Act, 1951. and com-

(2) It shall come into force at once.

2. A person shall not be disqualified for being chosen as, and for being a member of, the Mysore Legislature Prevention of
by reason only of the fact that he holds any of Disqualifica-
the offices of profit specified in the Schedule to this Act. tion for
Membership
of the Mysore
Legislature.

3. * * * *

Schedule.

1. Parliamentary Secretaries.

* * * *

2. Chairman, Director or member of any Committee or Board
appointed by Government.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.



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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, SATURDAY, MARCH 31, 1951.

NOTIFICATION.

No. L.D. 3567, Bangalore, dated 31st March 1951.

Under Rule 36 of the Mysore Legislative Rules, the Mysore Appropriation No. 2 Bill, 1951, together with the Statement of Objects and Reasons, is published for general information.

THE MYSORE APPROPRIATION No. 2 Bill, 1951.

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one.

Preamble.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Appropriation No. 2. Act, 1951.

Issue of
Rupees
7,64,000
out of the
Consolidated
Fund of the
State for the
year 1950-51.

2. From and out of the Consolidated Fund of the State there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of seven lakhs sixty-four thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one.

SCHEDULE.

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[See sections 2 and 3]

1	2	3
No. of vote	Services and purposes	Sums not exceeding Voted by the Legislative Assembly
	A. Expenditure met from Revenue.	Rs.
1	1. Land Revenue	4,97,000
7	12. General Administration	17,000
32	II Forest—1. Sandal Oil— Operation Expenses	2,50,000
	Total	7,64,000

Statement of Objects and Reasons.

This Bill is introduced in pursuance of Article 204 (1) of the Constitution of India, read with Article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of the moneys required to meet the grants made by the State Legislative Assembly for expenditure of the State Government for 1950-51.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*



The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, SATURDAY, MARCH 31, 1951.

NOTIFICATION.

No. L.D. 3568, Bangalore, dated 31st March 1951.

Under Rule 36 of the Mysore Legislative Rules, the Mysore Appropriation No. 3 Bill, 1951, together with the Statement of Objects and Reasons, is published for general information.

THE MYSORE APPROPRIATION No. 3 BILL, 1951.

A Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

Preamble.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two ;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Appropriation No. 3 Act, 1951.

Issue of
Rupees
29,43,22,700
out of the
Consolidated
Fund of the
State for the
year 1951-52.

2. From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two thousand nine hundred and forty-three lakhs, twenty-two thousand and seven hundred rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

SCHEDULE.

(See sections 2 and 3)

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No. of vote	1	2	3		
			Sums not exceeding		
			Voted by the Legis- lative Assembly	Charged on the Consolida- ted Fund	Total
		A. EXPENDITURE MET FROM REVENUE.	Rs.	Rs.	Rs.
1	7	Land Revenue	25,21,000	...	25,21,000
2	8	State Excise Duties	16,90,000	...	16,90,000
3	9	Stamps	1,89,000	...	1,89,000
4	10	Forest	37,66,000	...	37,66,000
5	11	Registration	4,29,000	...	4,29,000
6	12	Charges on account of Motor Vehicles Acts	6,56,000	...	6,56,000
7	13	Other Taxes and Duties	4,28,000	...	4,28,000
8	18	Other Revenue Expenditure financed from Ordinary Revenue.	48,01,000	...	48,01,000
9	19	Construction of Irrigation, Navigation, Embankment and Drainage Works	30,75,000	...	30,75,000
10	22	Interest on Debt and other obligations	...	...	...
	17	Interest on works for which capital accounts are kept	34,20,000	47,91,000	82,11,000
	52	Interest on capital outlay on Electricity Schemes	...	...	...
	23	Appropriation for Reduction or avoidance of Debt	...	20,00,000	20,00,000
11	25	General Administration (except B. C. and F.)	25,43,000	3,87,600	29,30,600
12	25	Do (B. Parliament and the State Legislature and C. Elections for Legislature).	10,15,600	16,800	10,32,400
13	25	General Administration (F. District Administration)	31,20,000	...	31,20,000
14	27	Administration of Justice	20,95,600	2,67,400	23,63,000
15	28	Jails	6,84,000	...	6,84,000
16	29	Police	91,75,000	...	91,75,000
17	35	Scientific Departments	2,82,000	...	2,82,000
18	37	Education	3,08,96,000	...	3,08,96,000
19	38	Medical	92,24,000	...	92,24,000
20	39	Public Health	42,68,000	...	42,68,000
21	40	Agriculture (except Horticulture)	60,24,700	...	60,24,700
22	40 (b)	Botanical and Other Public Gardens	8,05,300	...	8,05,300
23	40A.	Rural Department	54,69,000	...	54,69,000
24	41	Veterinary charges	23,47,000	...	23,47,000
25	42	Co-operation	5,24,000	...	5,24,000
26	43	Industries and Supplies except Sericulture	35,73,600	...	35,73,600

1 No. of vote	2 Services and purposes	3 Sums not exceeding		
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
27	43 a-4. Sericulture	10,35,400	...	10,35,400
28	47 Miscellaneous Departments	12,81,000	...	12,81,000
29	50 Civil Works	2,02,50,500	...	2,02,50,500
30	54A. Territorial and Political Pensions	2,85,000	...	2,85,000
31	55 Superannuation Allowances and Pensions	37,04,000	1,00,000	38,04,000
32	56 Stationery and Printing	14,25,000	...	14,25,000
33	57 Miscellaneous	13,07,000	...	13,07,000
34	63 Extraordinary charges	19,50,000	...	19,50,000
35	X. Forest—3. (i) Wood Preservation Plant—Working Expenses and Seigniorage	3,00,000	...	3,00,000
36	XVII. I.N.E. and D. Works for which capital accounts are kept—Working Expenses	24,66,300	...	24,66,300
37	XXXII. Industries and Supplies—(a) Industries—Working Expenses	4,65,65,100	...	4,65,65,100
38	XLI. Receipts from Electricity Scheme—Working Expenses	37,72,300	...	37,72,300
39	XLVI-A. Receipts from Road Transport Schemes—Working Expenses	34,59,000	...	34,59,000
40	Capital outlay not met from Revenue— 63. Construction of I.N.E. and D. Works outside the Revenue Account	96,03,000	...	96,03,000
41	70 Capital outlay on Improvement of Public Health	8,15,000	...	8,15,000
42	72 Capital outlay on Industrial Development	2,35,92,000	...	2,35,92,000
43	81-A. Capital outlay on Electricity Schemes	4,16,33,000	...	4,16,33,000
44	82-B. Capital outlay on Road Transport Schemes	7,50,000	...	7,50,000
45	85-A. Capital outlay on Provincial Schemes of State Trading	20,00,000	...	20,00,000
46	Loans and Advances by the State Government	1,25,44,500	...	1,25,44,500
	Total	28,67,59,900	75,62,800	29,43,22,700

Statement of Objects and Reasons.

This Bill is introduced in pursuance of Article 201 of the Constitution of India to provide for the appropriation out of the Consolidated Fund of the State moneys required to meet the expenditure charged on the Consolidated Fund and the grants made by the State Legislative Assembly for expenditure of the State Government for 1951-52.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,



The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, SATURDAY, MARCH 31, 1951

PART IV

Section 2-B

**NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER
MYSORE ACTS AND ORDINANCES.**

NOTIFICATION.

No: S. R. 8058—Regis. 27-50-2 dated Bangalore, the 31st March 1951.

In exercise of the powers conferred by Section 78 of the Mysore Registration Act, 1903, as amended from time to time, His Highness the Maharaja of Mysore is pleased to direct, that the table of Registration fees be revised as per the Schedule enclosed and that the revised scale of fees be levied with effect from 1st April 1951.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,

*Secretary to Government,
Revenue Department.*

MYSORE LEGISLATIVE ASSEMBLY 75
BUDGET SESSION, MARCH—APRIL 1951.

—:O:—
**Report of the Select Committee on the Mysore Town
Municipalities Bill, 1951.**

(Presented on 24th March 1951.)

We, the Members of the Select Committee to which the Mysore Town Municipalities Bill, 1951, was referred, have considered the several clauses of the Bill in detail and have the honour to submit the following report:

Clause 1.—We recommend that sub-clause (3) may be recast as follows:

“(3) This Section shall come into force at once and the other provisions of this Act shall come into force on such date as the Government may by notification in the *Mysore Gazette* appoint in this behalf.”

Clause 3 (1).—As there are no Deputy Amildars at present, we recommend that item (1) of this Clause may be deleted.

Item (3).—We recommend that the definition of “building” may be made more comprehensive and recast as follows:

“‘building’ shall include a house, out-house, stable, latrine, shed, hut, wall, verandah, fixed platform, plinth, doorstep, staircase and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;”

Item (6).—We recommend that the definition of “dangerous disease” may include in addition to those specified in the definition others which may be notified from time to time, and we accordingly recommend that the following words may be added at the end:

“and any other disease notified by the Government as a dangerous disease;”

*Item (14).—*We recommend that this definition of "octroi" may be deleted, as terminal taxes come under the Union List of the Constitution.

New definition.—

We think that an Election Commissioner appointed under this Act should be the Sub-Judge having jurisdiction except in special cases. We accordingly recommend that a definition of "Election Commissioner" may be inserted in this Clause as follows :

"Election Commissioner" shall mean the Subordinate Judge having jurisdiction over the area within which the election has been or should have been held, and includes any other Judge specially appointed in this behalf by the Government ;

*Clause 13.—*We are of the opinion that an electoral roll should be in force for a period of four years or for such less period as the Government may direct and we accordingly recommend that for the words "five years" in sub-clause (1), the words "four years" may be substituted.

*Clause 14.—*Item (iv) of sub-clause (1) (A) (a) provides for the disqualification of a person dismissed from municipal, district board or Government service where such dismissal has been notified as debarring him from re-employment. The majority of us are for removing this distinction between dismissal so notified and mere dismissal from such service. We accordingly recommend that the words "such dismissal having been notified as debarring him from re-employment" occurring in this item may be deleted.

In item (a) of sub-clause (1) (B) of this Clause, a subordinate officer or servant of a municipal council is debarred from being a municipal councillor of a town municipality. We recommend that a similar disqualification should be imposed in respect of district board or panchayet or Government servants. We accordingly recommend that in this item after the words "municipal council" the words "district board, panchayet or Government" may be inserted.

In item (b) of the proviso to sub-clause (1) (B), we recommend that for the words "five years," the words "four years" may be substituted.

Clause 15.—The date from which the resignation should take effect is stated to be from the date of the notice. We recommend that the date may be from the date of the receipt of notice and that for the words “date of the notice” in the two places where they occur in this Clause, the words “date of receipt of the notice” may be substituted.

Clause 17.—As there will be no nominated councillors under this Bill, we recommend that the word “nominated” in this Clause may be omitted.

The term of office of councillors was discussed in detail and excepting Sri K. Puttaswamy, all the other Members of the Select Committee were for retaining the existing provision of four years.

Clause 18.—As the steps to be taken to fill up casual vacancies may take some time, we recommend that a period of two months specified in this Clause may be extended to three months, and we accordingly recommend that for the words “a period of two months” the words “a period of three months” may be substituted.

Original Clause 19.—We recommend that this Clause may be deleted as the same effect would result even without such a provision and the other clauses suitably re-numbered.

Clause 19 (Original Clause 20).—As the Bill provides for appointment of President or Vice-President in certain cases, we recommend that for the words “elected as” the words “elected or appointed as the case may be as” may be substituted.

Clause 20 (6) [Original Clause 21 (6)].—We are of the view that the disqualification for corrupt practice should apply to officers under the Village Panchayets and District Boards and Corporation Acts also. We accordingly recommend that after the words “Mysore City Municipalities Act, 1933” the words “or the City of Bangalore Corporation Act, 1949 or for the office of a member or president or vice-president in a village panchayet or district board constituted under the Village Panchayets and District Boards Act, 1951” may be added.

Clause 26 [Original Clause (27)].—We recommend for the word “deputes” the word “delegates” may be substituted.

Clause 27 (7) [Original Clause 28 (7)].—We recommend that the words “not less than fifteen and not more than” occurring in this item may be deleted.

At the adjourned meeting under this item we consider it sufficient if one-fourth of the whole number of councillors are present and we accordingly recommend that for the words "one-fifth of the whole number of councillors or five councillors, whichever is greater" the words "one-fourth of the whole number of councillors" may be substituted.

Clause 27 (9) [Original Clause 28 (9)].—We recommend that the words "as soon as practicable" may be deleted.

Clause 27 (16) [Original Clause 28 (16)].—As Government officers will no longer be members of a municipal council, we recommend that the words "if not members of a municipal council within the district" may be deleted.

In the Explanation to this item we recommend that the words "in or for the district" may be deleted and the words "in the taluk or the district" added at the end.

Clause 28 [Original Clause (29)].—We recommend that in sub-clause (2) for the words "such regulations as may be framed by the council" the words "such rules as may be made by the Government" may be substituted.

Clause 38 (2) [Original Clause 39 (2)].—All of us except Sri W. H. Hanumanthappa are of the opinion that a time-limit should be imposed within which the orders of Government should be passed and in the absence of any specific orders refusing sanction, such sanction should be presumed. We accordingly recommend that a proviso be added to this subclause as follows:

"Provided that such sanction shall be presumed to have been accorded unless it is refused within a period of three months from the date of receipt by the Government of the recommendation of the municipal council."

Clause 44 (1) [Original Clause 45 (1)].—In order to disentitle a sweeper or scavenger from one month's notice in case of a discharge for misconduct, we feel that the decision should be by the municipal council and not by any authority subordinate to the municipal council. We accordingly recommend that after the words "he is discharged" the words "by the municipal council" may be inserted.

Clause 45 (Original Clause 46).—We recommend that for the words "Every municipal councillor, officer or servant" the words "Every councillor, officer or servant of a municipality" may be substituted.

Clause 46 (Original Clause 47).—We recommend that item (a) of sub-clause (1) may be recast as follows :—

“(a) regulating the conduct of business and the delegation of any of the powers or duties and the appointment and constitution of committees of a municipal council ;”

We recommend that item (c) of the same sub-clause may be recast as follows :—

“(c) generally for the guidance of the officers and servants of a municipality in all matters relating to its administration ;”

Clause 48 (Original Clause 49).—In item (a) of sub-clause (1) of this Clause, we recommend that for the words “cleanly conduct” the words “clean conduct” may be substituted, and after the words “sale of fruit” the word “flowers” may be added.

In item (c) of the same sub-clause, we recommend that after the word “donkeys” the word “pigs” may be added.

In item (f) for the words “a census” we recommend that the word “statistics” may be substituted in the two places where the words occur.

We recommend that item (l) may be deleted as ‘terminal tax’ does not fall within the State List.

Clause 55 (Original Clause 56).—We recommend that item (r) (providing housing for destitute, orphans and cripples) should not be made an obligatory duty and we accordingly recommend that this item may be taken over to Clause 58.

Clause 56 (Original Clause 57).—We recommend that the words “Subject to such reasonable provision as is mentioned in section 56” may be deleted.

Clause 58 (Original Clause 59). Item (b) :—We recommend that after the word “dharmaśālas” the words “choultries, musafarkhanas” may be added.

Item (g).—We recommend that for the words “a census” the word “statistics” may be substituted.

Item (o):—We recommend that the following proviso may be added at the end:—

“Provided that no such previous sanction shall be necessary if such resolution is passed unanimously.”

We recommend that an additional item may be added under clause 58 as follows:—

“subject to the provisions of the Mysore Warehouses Act, 1950, constructing, establishing and maintaining warehouses.”

Clause 61 (Original Clause 62):—We recommend that item (v) of sub-clause (b) and the proviso thereto may be omitted.

We recommend that in item (viii) after the word “latrines” the words “and underground drainage” may be inserted.

We recommend that in item (i) of clause (a) of the proviso to item (xiii) the words “or the Government of India” may be deleted and the following words added at the end:

“or any building or part of any building belonging to the Central Government;”

In item (ii) of clause (a) of the same proviso, we recommend that the following words may be added at the end:

“or any vehicle, animal or other property belonging to the Central Government;”

Since a levy of terminal tax is rendered impossible in view of the terms of the Constitution, we recommend that a municipal council should be empowered to levy a stand-fee in respect of bus-stands as the municipal council very often undertakes heavy expenditure in this matter. We accordingly recommend that for item (v) of sub-clause (b) which has been recommended to be deleted, the following item may be inserted:

“(v) a stand fee for bus stands established or maintained by a municipal council;”

As the maximum rate of such levy has to be specified, we recommend that Schedule I may be amended by the insertion of a maximum rate of four annas per bus per day.

Clause 105 (Original Clause 106).—Item (b) of sub-clause (3) is to the effect that any area within the regular line of the public street over which permission to construct any building is refused shall vest in the municipal council. Item (c) on the other hand speaks of payment of compensation in respect of such area. We therefore recommended that in item (b) for the words “vested in” the words “acquired by” may be substituted, and for the words “vesting in” occurring in item (c) the words “acquired by” may be substituted.

Clause 112 (Original Clause 113).—Sub-clause (1) requires that a person intending to construct or alter any building must give a notice to the municipal council and should also establish his right and title to the land in question. We are of the view that it should not be necessary for a person to establish title to such land before the municipal council. We accordingly recommend that the words “and also establishing his right and title to the land in question as to the satisfaction of the municipal council, the burden of providing the facts necessary to the establishment of such right and title shall be upon the applicant” occurring at the end of sub-clause (1) may be omitted.

As however the municipal council must have power to refuse permission in cases where the person applying has no right and title whatever to the land, we recommend that an item may be added at the end of sub-clause (2) as follows:

“or (d) refuse permission to construct, alter, add or reconstruct according to the plan and information furnished in case the municipal council is satisfied that the person so applying has no right to the land in question or has no right to construct, alter, add or reconstruct.”

Clause 115 (Original Clause 116).—We think that any order of the President under sub-clause (1) shall be subject to the revisional powers of the municipal council. We accordingly recommend that the following words may be added at the end of sub-clause (1):

“Any person aggrieved by an order of the President under this sub-section may apply to the municipal council to cancel, amend or revise such order and the municipal council may on such application cancel, amend or otherwise revise the order of the President.”

Clause 120 (Original Clause 121).—In sub-clause (1) for the word "Park" we recommend that the word 'land' may be substituted.

Clause 186 (4) (Original Clause 187 (4)).—We recommend that the sub-clause may be recast as follows:—

"(4) If the budget as submitted, fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made."

We recommend that a new sub-clause may be added as follows:—

"(5) The Government may modify the budget or any part thereof so as to secure compliance with any of the provisions of this Act or of the rules made thereunder."

Clause 197 (Original Clause 198).—We are of the view that the general power of inspection and supervision should be conferred only on the Commissioner and should not be available to the Deputy Commissioner. We accordingly recommend that in sub-clause (1) for the words "The Deputy Commissioner or the Commissioner" the words "The Commissioner" may be substituted, and sub-clause (3) may be deleted.

Clause 218 (Original Clause 219).—We recommend that the words "with the previous approval of the president" may be omitted at the beginning of this Clause.

We recommend that the powers of the Executive Officer should be subject to such control as may be laid down by the Commissioner, and also should be subject to revision by him. We accordingly recommend that a new sub-clause may be added to this Clause as follows:—

"(2) The exercise or discharge by the executive officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the Commissioner and shall be subject to his control and revision."

Clause 219 (Original Clause 220).—We are of the opinion that an appeal from the orders of the Executive Officer under Clause 220 should lie to the municipal council and we accordingly recommend that in the proviso to this Clause for the word 'President' the words 'municipal council' may be substituted.

Schedule I.—We consider it necessary to specify in this Schedule the maximum rates under items D. E. and F. and we accordingly recommend that in the second column of this Schedule against items D. E. and F. the following may be substituted:—

D. Special Sanitary Cess	...	Three percentum of the rental value.
E. General Sanitary Cess	...	Four percentum of the rental value.
F. Water rate or water rates	...	Six and one quarter percentum of the rental value.

As recommended under clause 62, a new item has to be added to this Schedule, namely, 'stand fee for buses' and we accordingly recommend that a new item may be added as follows and the other items may be suitably re-numbered.

"B. Stand fee for bus stands established or maintained by a municipal council. Four annas per bus per day."

We recommend that in the heading to Schedules I and II, the words "terminal tax" and 'and Terminal Tax' may be omitted.

The Bill was published in the *Mysore Gazette Extraordinary* dated the 16th January 1951. In our opinion, the Bill has not been so altered as to require republication.

R. CHENNIGARAMIAH (*Chairman*),
 A. BHEEMAPPA NAIK,
 V. S. NARAYANA RAO,
 K. H. MUDIYAPPA,
 B. C. NANJUNDAIYA,
 T. HANUMAI AH,*
 M. V. KRISHNAPPA,
 D. GOVINDA DAS,
 K. PUTTASWAMY,
 K. SINGARI GOWDA,
 S. C. SOORYANARAYANA CHETTY,
 W. H. HANUMANTHAPPA,
 J. MOHAMED IMAM,
 MOHAMED HANIEF,
 C. H. LINGALEVARU.

* Subject to a minute of dissent.

We have a constitution which is based on equality, liberty, fraternity and justice. It is a rare privilege that every citizen irrespective of caste, colour, creed and sex enjoy the same bundle of rights and duties. In such a state as this, the legislature should act with abundant caution, especially when they deal with the liberties of the citizens of the State.

The Select Committee constituted to examine the draft bill, has approved the sub-clause 2 of Section 45 of the Mysore Town Municipalities Bill, 1951. It runs thus: "Should any sweeper or scavenger employed by the Municipal Council in the absence of a written contract, authorising him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the Municipal Council, or neglect or refuse to perform his duties or any of them, he shall be liable, on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months."

This provision will not only undermine the fundamental principles of human dignity and prestige; but also is illegal inasmuch as it forces a person to do a particular thing much against his will. I feel that it is my duty to submit this note of dissent.

Several points are raised in supporting this provision as being essential service as it concerns with the health of the town and if the scavengers or sweepers strike work, the citizens will experience great inconvenience and so on. I do not see any force in these points. The duty of keeping the towns and cities clean and to avoid inconvenience rests equally upon the shoulders of the citizens. We are moving towards self-governing institutions, with more decentralised powers exalting the individual as the ultimate end of the activities of the Government. Man is the roof and crown of things. His dignities and sacredness cannot be bartered away for a mere convenience of another person. Who knows, the time may come when the scavengers or sweepers may not exist as a class of workers and each will have to clean his latrine and sweep his house and a portion in front of his house. It is inhuman to bind them to a penal clause, on failure to do a certain thing.

Moreover, it is purely a personal contract. Municipal Council as a legal person stands on the same ground as the other person who enters into a contract. If there should be a stipulation of a penal clause, it should bind either party. But here it is not. Viewing this subject from any aspect, it is immoral, illegal and unconstitutional.

Therefore, I am strongly of opinion that the sub-clause 2 of Section 45 of the Mysore Town Municipalities Bill, 1951, should be totally deleted, and, if necessary, the rules and regulations laid down in the Mysore Service Regulations may be applied to the scavengers and sweepers.

T. HANUMAIAH.

THE MYSORE TOWN MUNICIPALITIES BILL, 1951.

ARRANGEMENT OF CLAUSES.

CHAPTER I.

PRELIMINARY.

1. Short title and commencement.
2. Repeal of Mysore Acts VIII and IX of 1933.
3. Definitions.

CHAPTER II.

CONSTITUTION OF MUNICIPAL COUNCILS.

4. (1) Delimitation of town municipalities.
(2) Proviso.
(3) Erection and maintenance of boundary marks.
(4) Property and rights of municipal council which has ceased to exist to vest in Government.
5. Conversion of city municipalities into town municipalities.
6. (1) What local areas may be declared to be town municipalities.
(2) Naming of municipalities comprising two or more places.
7. Town municipalities.
8. Constitution and incorporation of town municipal councils.
9. Constitution of municipal councils.
10. Appointment by Government when councillors not elected.
11. Territorial divisions for elections.
12. Qualification for enrolment in the electoral roll.
13. (1) Operation of lists.
(2) Right to vote to depend on entry in roll.
(3) Enrolment in municipal electoral roll necessary for election as councillor.
14. General disqualifications for becoming a councillor.
Disabilities from continuing to be a councillor.
Power of Government to decide whether vacancy has occurred.

15. Resignation.
16. Liability to removal from office.
17. Term of office.
18. Casual vacancies how to be filled up.
19. Notification of names of persons elected.
20. Determination of validity of elections, enquiry by judge, procedure.

Declaration in case of corrupt practice by a candidate.

Scrutiny of votes and declaration in other cases.

What is a corrupt practice.

Candidate when deemed to have committed corrupt practice.

Promise of individual profit.

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22. Municipal Government to vest in municipal council.
23. (1) Every municipal council to have a president and if the municipal council so desires a vice-president.
- (2) President to be elected.
- (3) Vice-president to be elected.
- (4) Appointment of president or vice-president by the Government.
- (5) When Deputy Commissioner and Amildar may perform functions of President.
- (6) Consequence of absence of president or vice-president without leave.
- (7) Limit of grant of leave and arrangements during leave.
- (8) Vacation of office by vice-president on becoming president.
- (9) Vacation of office by president and vice-president for want of confidence.
- (10) Removal of presidents and vice-presidents.
- (11) Term of office of president and vice-president.
- (12) Vacancies in their office how to be filled up.
- (13) Remuneration of president and vice-president of municipal council.

24. Functions of presidents.

25. Custody of records.

26. Functions of vice-presidents.

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27. Provisions in regard to meetings of a municipal council.

- (1) Ordinary general meetings.
- (2) Special general meetings.
- (3) Notice to be given of meetings.
- (4) Meetings to be held at Municipal office.
- (5) Meeting how presided over in the absence of the president and vice-president.
- (6) Meeting must ordinarily be open to the public.
- (7) Number of councillors required to form a quorum.
- (8) Business to be transacted at meetings, and order of business how to be settled.
- (9) Minutes of proceedings to be kept.
- (10) All questions must be decided by a majority of votes.
- (11) Councillor not to vote on questions in which he has pecuniary interest.
- (12) Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.
- (13) Adjournments of meetings.
- (14) Modification and cancellation of resolutions.
- (15) Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.
- (16) (a) Certain Government Officers may attend meetings of municipal councils.
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28. Rights and privileges of individual councillors.

29. Committees.

30. When persons other than councillors may serve on committees Duties, etc., of such persons.

31. When Chairman to be ex-officio.

When no ex-officio chairman, municipal council may appoint chairman.

When ex-officio or appointed chairman does not attend meeting, committee may appoint chairman of meeting.

If there [is] no chairman, ex-officio or appointed by the municipal council.

32. Procedure at meetings.

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33. (1) Procedure by circular.

(2) Propositions when to be sent to Government officers for remarks.

(3) Decisions how to be taken on propositions circulated ;

(4) and how to be recorded.

34. (1) Subordination of committees to instructions of municipal council and compliance with requisitions of municipal council.

(2) Orders subject to revision and appeal.

35. Powers, duties and functions may be delegated to officers whose expenses may be paid.

36. Acts and proceedings of municipal council and committees not vitiated by disqualifications, etc., of members thereof.

Proceedings of meetings to be good and valid until the contrary is proved.

Vacancy not to affect municipal council's proceedings.

37. Joint committees of two or more municipal councils.

38. Competency of municipal council to lease, sell and contract.

Subject in certain cases to sanction of Government.

Sanction by resolution at general meeting requisite to validity of certain contracts.

Sanction of municipal council when requisite in other cases.

When tenders should be invited.

Sanction by committees and individuals empowered.

Mode of executing contracts.

Invalidity of contracts, unless requirements of the section are fulfilled.

39. Contracts by officers appointed by Government to execute municipal works and payment for such works.

40. Acquisition of land.

41. (1) Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

(2) Liability of president, vice-president and members for loss, waste or misapplication.

42. (1) Officer or servant of any municipal council not to be interested in any contract with such municipal council.

(2) Effect of acquiring such interest.

(3) Saving clause.

43. Penalty for councillor, officer or servant of a municipal council being interested in any contract, etc., with that municipal council.
44. (1) Notice to sweepers and scavengers before discharge.
 (2) Penalty for withdrawal of sweepers and without notice.
 (3) Application of sub-sections (1) and (2) to other municipal servants.
45. Councillors, etc., to be deemed public servants.

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46. Government to make rules—
- (a) Regulating the conduct of business.
 - (b) Fixing the functions of the president and the establishment.
 - (c) For general guidance of municipal servants.
 - (d) Fixing the amount of the security to be furnished.
 - (e) Determining mode of appointing, etc., municipal servants, delegating to appoint, etc.
 - (f) Granting leave to municipal servants.
 - (g) Contributing to provident funds.
 - (h) Prescribing the taxes, etc., to be levied for municipal purposes.
 - (i) For writing off amounts due and remitting fees.
47. Power to suspend, reduce or abolish any existing tax.
48. Government to make bye-laws—
- For markets and slaughter-houses, etc.
 - For licencing, regulating and inspecting certain businesses.
 - Regulating the stalling of cattle, etc.
 - For regulating dairies and cattle sheds, Milk-stores, etc.
 - For inspection of weights and measures.
 - For the registration of births, etc.
 - Regulating the disposal of the dead.
 - For enforcing information as to epidemics.
 - For enforcing information as to liability to municipal taxation.
 - Octroi bye-laws.

- For protecting water.
 - Regulating public baths, etc.
 - For conservancy.
 - For constructing houses for the poor.
 - For the disposal of carcasses.
 - Regulating structures and buildings.
 - For regulating construction or use of buildings.
 - For providing for streets.
 - For ensuring ventilation.
 - Control of drains.
 - Requiring information and plans in certain cases.
 - For controlling unwieldy traffic.
 - Public parks.
 - For licencing factories, the use of steam whistles, etc.
 - Fine may be imposed for infringement of bye-laws.
 - Publication of drafts of proposed bye-laws.
 - Objections and suggestions to be submitted to Government.
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- 50. (1) Power to acquire and hold property.
- (2) Property vested in the municipal council.
- (3) Power of Government to resume property.
- 51. Municipal Fund.
- Provision as to special trusts.
- 52. Application of municipal fund and property.
- 53. (1) Power to deposit and invest surplus funds.
- (2) Surplus not so deposited or invested how to be dealt with.
- 54. Power of municipal councils to borrow money.

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- 55. Obligatory duties of municipal councils.
- 56. Special duties.
- 57. Power of Government to exempt municipal council from any of the duties.

58. Discretionary powers of expenditure of municipal council.
59. Arrangements purporting to be binding permanently or for a term of years.
60. Management of public institutions maintained by municipal councils to vest in it.

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61. Taxes which may be imposed.
62. Procedure preliminary to imposing tax.
63. Power to sanction, modify and impose conditions.
64. Publication of sanctioned rules with notice.
65. Duty on certain transfers of immovable property.
66. Seizure and sale of vehicles not bearing numbers.
67. Appointment of assessor.
68. (1) Preparation of an assessment list.
(2) Power to inspect.
(3) Returns to be furnished.
69. Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.
70. Publication of notice of assessment list.
71. (1) Public notice of time fixed for revising assessment list.
(2) Revising authority.
(3) Objections how to be made.
(4) Hearing of objections.
(5) Authentication of list.
(6) Custody and inspection of list.
(7) Authenticated list how far conclusive.
72. (1) Amendment of assessment list.
(2) Objections how dealt with.
(3) Effect of amendment.
73. New assessment list need not be prepared every year.
74. Tax from whom primarily leviable.
75. Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.
76. Form of notice.
77. Name of transferee to be substituted in the municipal registers.
78. Liability for payment of taxes on buildings or lands to continue in the absence of notice of transfer.

79. Remission of tax in case of vacancies; when obligatory.
80. (1) Municipal council may charge fee for certain licences.
 (2) Levy of fees for unauthorised occupation or projection.
 (3) Market and other fees.
 (4) Farming of fees.
 (5) Power of lessee to expel persons who refuse to pay fees.
81. (1) Composition of toll.
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82. Power of Government to suspend or prohibit levy of objectionable taxes.
83. Power of Government to require municipal council to impose taxes.
84. Octroi bye-laws to be submitted with proposal for imposition of octroi.
85. (1) Power to examine articles liable to octroi.
 (2) Power to search where octroi is leviable.
86. (1) Presentation of bills for octroi.
 (2) Penalty for evasion of octroi.
87. (i) Penalty for selling articles liable to octroi without a licence — or for being in possession of any such article on which octroi has not been paid.
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88. Tables of tolls to be shown on demand.
89. (1) Power to seize vehicle on non-payment of octroi or toll.
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 (3) Release of property on payment.
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 (5) Surplus how dealt with.
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 (2) Contents of bills.
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93. In what cases warrant may issue.

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To whom the warrant should be addressed.

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94. (1) Sale of goods distrained in special cases.

(2) Sale of property distrained; application of proceeds of sale.

(3) Surplus, if any, how dealt with.

95. Distraint and sale outside the municipality.

96. Procedure when distraint is impracticable.

97. Summary proceedings may be taken against persons about to leave the municipality.

98. Fees and costs chargeable.

99. (1) Appeal to magistrates.

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100. Liability of land, buildings, etc., for rates.

101. Suspension of power to recover by distress and sale.

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103. Power regarding street, etc.

104. Temporary closure of streets.

105. The regular line of public street.

106. Setting back projecting buildings.

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Compensation payable by the municipal council.

107. Setting forward to regular line of street.

108. Buildings at corner of streets.

109. (1) Roofs and external walls of buildings not to be made of inflammable materials.

(2) Power to require removal of roof and wall if inflammable.

(3) Penalty.

110. Level of building.

111. Rat-proof building for warehouse for storing grain.

112. (1) Notice of new buildings.

(2) Power of municipal council to pass orders.

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(4) Right to proceed in certain cases.

113. Power of Government to prohibit the erection of buildings in certain area without permission.
114. Regulation of huts.
115. Improvement of huts.
116. Municipal control over drains, etc.
117. Powers for making drains.
118. Sufficient drainage of houses.
New buildings not to be erected without drains.
119. Power of owners and occupiers of buildings or lands to drain into municipal drains.
120. Provision of privies, etc.
121. Cost of altering, repairing and keeping in proper order privies, etc.
122. Power in respect of sewers, etc., unauthorisedly constructed. rebuilt or unstopped.
123. Encroachment on municipal drains, etc.
124. Inspection of drains, etc.
125. Power of carrying water mains, etc.
126. (1) Permission necessary for certain projections
(3) Removal of projections.
127. Troughs and pipes for rain water.
128. Fixing of brackets, etc., to houses.
129. Naming streets and numbering houses.
130. Removal and trimming of hedges, trees, etc.
131. (1) Ruinous or dangerous buildings.
(2) Action to be taken on default by owner or occupier.
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132. (1) Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.
(2) Remedy for non-compliance with direction issued.
133. (1) Displacing pavements, etc.
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134. (1) Obstruction and encroachments upon public streets and open spaces.
135. Hoardings to be set up during repairs, etc.
136. Fencing and lighting during repairs, etc.
137. Timber not to be deposited or hole made in a street without permission.
138. Provision as to dogs.
139. Depositing dust, etc.
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141. Non-removal of filth, etc.
 142. Filthy buildings, etc.
 143. Power to enter and inspect, etc., buildings.
 144. Abatement of nuisances from wells, etc.
 145. Regulation or prohibition of certain kinds of cultivation.
 146. Using offensive manure, etc.
 147. (1) Tethering cattle, etc.
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 148. Feeding animals on filth.
 149. Licences to be taken for burning bricks.
 150. Licensing markets, slaughter-houses and certain businesses.
 151. Opening, closing and letting of markets and slaughter-houses.
 152. Slaughter-houses, etc., beyond municipal limits.
 153. (1) Registry for shops for sale of European drugs.
(2) Certificated dispensers.
 154. Uncertificated person dispensing drugs.
 155. Unwholesome articles of food and drink.
 156. False weights and measures and instruments for weighing.
 157. Powers which may at any time be exercised.
Penalties for disobedience of an order passed in exercise of such powers.
 158. Duties of municipal council in respect of diseases among horses, dogs, cattle, sheep, or goats.
 159. Proceedings to abate the overcrowding of the interiors of buildings.
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 160. Closing places for disposal of the dead.
 161. Regulations of certain trades.
 162. Factories in crowded localities.
 163. Use of siren or whistle for summoning or dismissing workmen.
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 165. Brothels.
 166. (1) Service of notices, etc., addressed to individuals.
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(3) Public and general notices how to be published.
(4) Defective form not to invalidate notice or bill.
(5) Execution of acts required to be done by any notice.
 167. Punishment for disobedience of orders and notices not punishable under any other section.

- 168. (1) Municipal Council in default of owner or occupier may execute work and recover expense.
- (2) Power to levy charges on occupier who may deduct the same from his rent.
- (3) Occupiers not to be liable for more than the amount of rent due.
- 169. Occupier in default of owner, may execute works and deduct expenses from his rent.
- 170. Proceedings if any occupier opposes the execution of the Act.
- 171. Entry for purposes of the Act.
- 172. Determination of compensation in certain cases.
- 173. Costs or expenses how determined and recovered.

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- 174. (1) Municipal Council may prosecute.
- (2) Jurisdiction of magistrate.
- 175. Imprisonment in default of payment and recovery and payment of fines.
- 176. Power to compound offence.
- 177. Limitation for distraint, etc.
- 178. Distress lawful though defective in form.
- 179. Damage to municipal property how made good.
- 180. Alternative procedure by suit.
- 181. Power of compromise.
- 182. Assistance for the recovery of rent on land.
- 183. Limitation of suits, etc.
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- 185. Prohibition of expenditure not budgetted for.
- 186. Presentation of accounts.
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- 187. Revision of budget.
- 188. Maintenance of accounts and restrictions on expenditure.
- 189. Audit of accounts.
- 190. Powers of Government auditor.

191. (1) Duties of Government auditor.
- (2) Municipal council to remedy defects.
192. Disallowance by Government Auditor and order by Deputy Commissioner.
193. Appeal from order of Deputy Commissioner.
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199. (1) Deputy Commissioner's power of suspending execution of order, etc., of municipal councils.
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201. Agency for execution of public works.
202. Special provision in regard to works executed by Government.
203. Government inquiry into municipal matters.
204. (1) Power of Government to prevent extravagance in the employment of establishment.
- (2) Government may require any town municipal council to appoint a health officer or an engineer.
205. Power of Government to direct person in custody of municipal fund to pay Government dues.
206. Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers. Consequences of exercise of such power.
Power after enquiry to continue period of supersession.
207. Disputes between a municipal council and one or more local authorities.
208. Powers of Government to make rules and orders.
209. Power of Government to cancel or modify bye-laws and rules of municipal councils.
210. Delegation of powers by Government.

- 211. Powers of Government and of the Deputy Commissioners over subordinates.
- 212. Powers of officers acting for or in default of municipal council and liability of municipal fund.
- 213. Powers to transfer officers.

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- 214. Appointment of Executive Officer.
- 215. Appointment by Government.
- 216. Municipal council when not to exercise the power.
- 217. Duties of Executive Officer.
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- 220. Executive Officer may make explanations at meetings.

SCHEDULES I TO XIII.

PART III.

Table of Registration Fees under section 78 of the Mysore Registration Regulation, No. I of 1903.

The registration fees payable to the several offices of Registration in Mysore shall be as follows:—

I. (a) For registration of documents in books I and IV—

					Rs. a. p.
(1)	When the value does not exceed Rs. 10	0	4	6	
(2)	When the value exceeds Rs. 10 but does not exceed Rs. 25	0	7	0	
(3)	Do 25 but does not exceed Rs. 50	0	9	0	
(4)	Do 50 do do	75	0	13 6	
(5)	Do 75 do do	100	1	2 0	
(6)	Do 100 do do	150	1	11 0	
(7)	Do 150 do do	200	2	4 0	
(8)	Do 200 do do	250	2	13 0	
(9)	Do 250 do do	300	3	6 0	
(10)	Do 300 do do	500	3	15 0	
(11)	Do 500 do do	750	4	8 0	
(12)	Do 750 do do	1,000	5	10 0	
(13)	Do 1,000 do do	2,500	—	For the first thousand as under Sub-Clause 12, and for every 500 or part thereof in excess of 1,000	Rs. 1 2 0
(14)	Do 2,500 but does not exceed to Rs. 5,000—	For the first 2,500 as under Sub-Clause 13, and for every 500 or part thereof in excess of 2,500	Rs. 1	11 0	
(15)	Do 5,000 but does not exceed Rs. 25,000—	For the first 5,000 as under Sub-Clause 14 and for every 1,000 or part thereof in excess of 5,000	Rs. 2	4 0	
(16)	Do 25,000 but does not exceed Rs. 50,000—	For the first 25,000 as under Sub-Clause 15, and for every 1,000 or part thereof in excess of 25,000	Rs. 2	13 0	
(17)	Do 50,000—	For the first 50,000 as under Sub-Clause 16, and for every 1,000 or part thereof in excess of Rs. 50,000	Rs. 3	6 0	

(b) The consideration expressed in a document is generally taken to be its value for determining the registration fee. Where no consideration is expressed, the value of the property dealt with as shown in the document is taken.

(c) The provisions of sections 5, 6, 20, 21, 23 and 25, of the Mysore Stamp Regulation and of the Indian Stamp Act, respectively, are applied *mutatis mutandis* to calculations of value for the purpose of determining the registration fee.

(d) In the case of leases the value is taken—

- (1) at the total rent for the whole term when the lease is for periods not exceeding one year ;
- (2) at the average annual rent when the lease is for periods exceeding one year ;
- (3) at one-fifth of the whole amount of rents payable for the first fifty years when the lease is perpetual.

In all cases where a fine or premium is paid or is made payable or money is advanced, that amount is also added to the value. When a lessee undertakes to pay assessment quit-rent, etc., in addition to the rent, the said payment also is added to the rental value. If the rent is payable in kind and its money value is not specified in the lease, its value is taken to be the highest amount which the stamp borne by the document shall suffice to cover ; but if the lease bears no stamp or is exempt from stamp duty, the money value of the produce is calculated at the current market rates.

Where in agricultural leases for one year or less the rent is not fixed either in kind or in cash and the lease deed is unstamped, its value for purposes of registration is taken to be five times the assessment on the land the rent of which is secured by the instrument; when the survey assessment is specified in the lease.

(e) In the case of deeds of partition, the value of the separated share or shares on which the stamp duty is payable is taken as the value or consideration.

(f) When the value of the document is not specified :

In the case of all other documents in which neither the consideration for the transaction nor the value of the property affected is expressed, or in which it is only partially expressed the

TABLE OF REGISTRATION FEES WITH RULES 75

value shall be the maximum amount which the stamp borne by the document is sufficient to cover, if the document is one which is liable to stamp duty at *ad valorem* rates. If the value cannot be determined from the stamp, as for instance when the deed is not liable to stamp duty, or is liable to duty at a fixed amount irrespective of the value of the transaction, or when the transaction is not susceptible of money valuation, the fee leviable shall be Rs. 6-12-0 provided that in cases where value of only a portion of the property or consideration is given and that value exceeds Rs. 1,500 the fee shall be levied on the value so expressed.

Note.—In the case of documents evidencing petty transactions incapable of valuation the Inspector-General of Registration may, if he considers that the levy of a fee of Rs. 6-12-0 would be productive of hardship, authorise Registering Officers to levy a lower fee, which however shall not be less than four annas and six pies.

(g) For registration of a document purporting to give collateral or auxiliary or additional or substituted security or security by way of further assurance, where the principle or primary mortgage is duly registered:—

Same fee as for the principle or primary mortgage.

(h) For document acknowledging receipt or payment of consideration on account of any previously registered document or for any receipt acknowledging payment of a debt or rent due under a previously registered document:—

Ad valorem fee as per Article 1A, subject to a maximum of Rs. 2-4-0, *vide* Government Notification No. Fl. 2366—Regis. 12-29-1, dated 25—26th September 1929.

(i) For a duplicate or counterpart of a document—

If registered at the same time as the original, Re. 0-4-6 per 100 words or part thereof provided that if the fee to be recovered at the rate of Re. 0-4-6 per 100 words is higher than the ordinary fee for registration, the ordinary fee shall be charged.

(j) Certified copies of decrees, orders of courts and awards—

Ad valorem fee as per Article 1 (a).

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For Registration of Adoption deed : —

(Whether or not the deed refers
to immovable property to which } Rs. 11-4-0.
the adoptee becomes entitled).

G. O. No. Fl. 1628—Regis. 29-41-2, dated the
2nd September 1942.

II. For registration of Wills and Authorities to adopt—

(a) Opening a sealed cover and entering the contents in Book III :—

Rs. 2-4-0 *plus* copying fee at the prescribed rate. -

(b) Will or Authority to adopt presented open :—

Rs. 11-4-0. Provided that in the case of Wills in which the value of the property dealt with is mentioned and that the value does not exceed Rs. 3,000 the registration fee shall be as per *ad valorem* scale in Article 1 (a).

III. Sealed Covers (Book V).—

[a] For deposit and entry in Book V of a sealed cover purporting to contain a Will

Rs. 3 6 0

[b] Withdrawal of any such cover

Rs. 3 6 0

Article III—A. The registration fee for a deed of cancellation or revocation shall be that liable on the original document cancelled or revoked—subject to a maximum of Rs. 5.

(G. O. No. Fl. 2250—Regis. 14-38-2, dated 16th November 1938).

IV. Registration by a Registrar in cases other than those in which a document is registered by a District Registrar in consequence of the Sub-Registrar being a party interested in the transaction to which such a document relates—

Extra fee of Rs. 5 when registered under Section 30 (a) by any District Registrar and Rs. 10 when registered by the District Registrar of Bangalore under Section 30 (b) of the Mysore Registration Regulation : Provided that no extra fee shall be levied when the English document is registered by a Registrar solely in consequence of the language in which it is written being unknown to the Sub-Registrar by whom it is properly registrable :

Provided also that no extra fee shall be levied for the registration of a counterpart or a duplicate of a document in respect of which extra fee has been paid, as above such counterpart or duplicate is presented for registration on the same day as the original document, when the original is also registered.

V. (a) (1) Memorandum under Sections 64, 65, 66 and 67 Rs. 1 2 0

(2) For each additional copy required for 100 words or part thereof Re. 0 4 6

(b) When a copy of instrument has to be sent to the Registrar of another district such copy should be charged for at the rate of Re. 0-4-6 per 100 words and additional fee of one rupee and two annas for each memorandum issuable under Section 66, must be levied and remitted to the Registrar.

VI. (a)—(i) Search for or inspection of a single entry or document—

For the first year in the Books of which search is made, for each entry or document Rs. 1 2 0

For every other year in the books of which search is continued for each entry or document Re. 0 4 6

(ii) General search for an inspection of any number of entries or documents relating to one and the same property or executed by or in favour of one and the same individual.

For the first year in the books of which search is made Rs. 2 4 0

For every other year in the books of which search is continued Re. 0 9 0

Note.—(1) The rates mentioned above as subject to a maximum of Rs. 5-10-0 and Rs. 11-4-0 in the cases of single and general searches, respectively, *vide* G.O. No. Fl. 1122—Regis. 26-26, dated 4th August 1927.

(2) Every application for the continuance of a search made after one week from the date of completion of that search will be treated as fresh application and the higher fees of Re. 1-2-0 or Rs. 2 4-0 respectively, will be charged for the first year in the books of which the search is desired to be continued.

Note.—(2) of Article VI (a) (ii) relating to fees for search under Section 57 of the Registration Regulation published in Notification No. P. 5552—Regis. 30-89-9, dated 6th January 1923 will be replaced by the following:—

"Every application for the grant of a certified copy unless made at the time of registration of a document shall be considered as an application for search and charged accordingly, provided, however, that no fee for search shall be charged in respect of a document of which a copy is applied for when the names of claiming and executing parties, the nature of the document and the date of registration are shown in application for the copy."

(Vide Notification No. Fl. C. 68—Regis. 41-25, dated 12th October 1926).

(4) The Inspector-General of Registration may, in his discretion remit in part the fee leviable under this article when it appears to him that the exaction of full fee would be productive of hardship.

VII. (1) (a) Granting certified copies or extracts from Registers, indexes or any documents (Sections 57 and 76) per 100 words or portion of 100 words. —

Re. 0-3-6, whether in English or Kannada.

(b) Granting of copy of map or plan. —

Re. 0-9-0, provided that the arrangements for and the cost of making such copies are made and borne by the person who applies for it.

(c) Granting copies of documents other than those mentioned above :—

At the rates prescribed in the rules issued by the Chief Court for the grant of copies in the Civil Court.

Note.—(1) Every figure, initial or abbreviation shall count as a word.

(2) Government Officers who may require to search the registers or to take copies of entries for *bona fide* public purposes shall be permitted to do so without payment of any fee.

(3) Copies of documents in languages other than in English or Kannada shall be charged at one anna per 100 words instead of 3 annas if a clerk knowing that language is employed in the Registration Office granting the copy. Also when a copy is printed at the expense of an applicant or when the applicant presents a printed copy of a document already registered and applies for a certified copy of the same, only the portion added in manuscript in the certified copy shall be charged for the ordinary rates of copying, and, in addition, a fixed fee of two annas shall be levied for comparing and certifying each copy.

(4) No charge shall be made for granting copies of reasons for refusal given by a Sub-Registrar.

VII. Powers of Attorney.—

	Rs.	a.	p.
(1) Registering a Power of Attorney ..	5	10	0
(2) Attesting a Special Power of Attorney ..	1	2	0
(3) Attesting a General Power of Attorney ..	2	4	0

Note.—(1) A single fee shall be levied for the attestation of a Power-of-Attorney whatever may be the number of signatories to it provided that all of them appear simultaneously for examination or execution. Where they do not so appear, a separate fee is levied for such set of persons appearing at the same time.

(2) The duplicate or the triplicate of a Power-of-Attorney presented for authentication shall be treated as a separate power and a separate attestation fee shall be levied for it.

IX. For filing translation Extra fee Rs. 1-2-0.

Note.—Filing copies of the orders, certificates and instruments referred to in Section 89 No fee.

X. (1) Issue of commission or attendance at a private residence or Jail.

(a) For registration of one or more documents executed by one and the same individual, or

(b) For the acceptance of registration of one or more documents executed in favour of one and the same individual or for the acceptance for deposit of a Will executed by an individual, or

(c) For the attestation of one or more Power-of-Attorney executed by one and the same individual.

(d) For the examination of one and the same individual under Section 33 or 38.

Rs. 11 4 0

Besides ordinary fee and travelling allowance.

(2) For the services of a female if required, extra fee as remuneration to her Rs. 5-10-0.

Note.—(1) Where two or more persons who are parties to the same document and who are entitled to exemption from attending the Registration Office reside together, or when two or more persons who are parties to the same document are confined in a Jail, only one attendance or commission fee shall be charged so far as those persons are concerned. In that event each such person shall be entitled to present for registration or attestation at such attendance any number of documents or Powers-of-Attorney or to admit execution of any number of documents presented for registration or to deposit a Will, without payment of any further attendance fee.

**Note.*—(2) “When in the course of attendance at a private residence a Registering Officer is required to record in respect of the

same instrument the admission of persons not entitled to the concession, the request, may, if possible, be complied with without the levy of any additional fee."

(*Vide* notification No. FL 5591—Regis. 6-32-7, dated 17th April 1933).

XI. For proceeding to and returning from a private residence or Jail, travelling allowance shall be allowed, at eight annas per mile to a Registrar and at 4 annas per mile to a Sub-Registrar or other persons deputed to take an examination.

XII. For the safe custody and return of documents.—

For each month or part of a month, during which a registered document is left unclaimed in a Registration Office, after the expiration of one month from the date of registry (to be paid before delivery of the document), four annas and six pies per month for documents of values up to Rs. 100 and nine annas per month for documents of values exceeding Rs. 100 or for documents in which no value is specified, subject to a maximum of Rs. 5-10-0 in any one case.

XIII. (1) For filing copies of memoranda relating to deposit of title-deeds received from Banks under Section 59, Clause (2), of the Transfer of Property Regulation. In cases where property mentioned in such memoranda are situated in more than one taluk or district and in cases where the property is not situated in the area to which Section 59 applies, Government are pleased to appoint the Registrar of Bangalore District as a Special Registrar for registering such memoranda and to exempt them from payment of the fees prescribed in paras 11 and 12 of the rules framed by Government under the Registration Regulation as regards fees payable thereunder.

Note.—Under Sub-Section (2) of Section 59 of the Transfer of Property Regulation, 1918, Government are pleased to extend the provisions of that Sub-Section to the whole of the areas comprised in the cities of Bangalore and Mysore.

(G.-O. No. J. 4622—Legis. 43-17-3, dated 11th May 1918).

(2) On all documents registered, if containing more than 300 words, an additional fee at the rate of four annas and six pies per 100 words or fraction of 100 words is charged for the number above 300.

(3) If a document tendered for registration has one or more schedules appended to it, they are charged

TABLE OF REGISTRATION FEES WITH RULES

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for at the above rate according to the aggregate number of words contained in them.

(4) Special rates of fees for the registration of documents executed by or in favour of Agricultural Banks.

	Rs.	a.	p.
(a) When the value does not exceed Rs. 100 including schedules	0	9	0
(b) Exceeding Rs. 100 but not exceeding Rs. 1,000	1	2	0
(c) „ 1,000 but not exceeding Rs. 5,000	2	4	0
(d) In all other cases	4	8	0
(e) Searches	Free or		
	no fee.		
(f) Certified copies for 100 words	0	1	6
(g) Attesting Power-of-Attorney	0	4	6
(h) Private attendance	2	4	0
(i) Issue of commission	2	4	0
(j) Mileage to Registering Officers or others per mile	0	2	0

(5) Fees for registration, etc., of documents executed by or on behalf of any Co-operative Society for the time being registered under the Co-operative Societies Regulation or by an officer or member of such a society and relating to the business thereof.....half the fee.

(6) Fees for registration, etc., of documents executed by applicants and sureties in connection with loans obtained and arrangements entered into for the supply of machinery, etc., under the rules published with Government Notification No. G. 2146—G.M. 55-12-240. dated 2nd September 1913.

	Rs.	a.	p.
(a) When the value does not exceed Rs. 100 including schedule	0	9	0
(b) Exceeding Rs. 100 but not exceeding Rs. 1,000	1	2	0
(c) „ 1,000 5,000	2	4	0
(d) In all other cases	4	8	0
(e) Search	Free or		
	no fee.		
(f) Certified copies (per 100 words)	0	1	6
(g) Attesting Power-of-Attorney	0	4	6
(h) Private attendance	2	4	0
(i) Issue of commission	2	4	0
(j) Mileage to Registering Officers or others per mile	0	2	0

TABLE OF REGISTRATION FEES WITH RULES

(7) For Registration, etc., of instruments executed by or on behalf of or in favour of, the Mysore Palace.
Nil.

(8) Special rates for documents executed by applicants for loans to build and make other improvements for houses in the Mysore City and on those executed by their sureties.

	Rs.	a.	p.
(a) When the value does not exceed Rs. 100 ...	0	9	0
(b) Exceeding Rs. 100 but not exceeding Rs. 1,000 ...	1	2	0
(c) Search	Free.		
(d) Certified copies per 100 words	0	1	6
(e) Attesting Power-of-Attorney ...	0	4	6
(f) Private attendance or issue of commission ...	2	4	0
(g) Mileage to Registering Officers or others per mile ...	0	2	0

(Notification No. P. 34—Regis. 37-4-3, dated 4th July 1922

No. P. 5552—Regis. 34-19-9, dated 6th January 1923 and

Notification No. S.R. 8058—Regis. 27-50-2, dated 31st March 1951).

[As amended by the Select Committee.]

(Words underlined or sidelined indicate the amendments suggested by the Committee. Omissions are indicated by asterisks.)

THE MYSORE TOWN MUNICIPALITIES BILL, 1951.

A Bill to consolidate and amend the law relating to the management of municipal affairs in Towns in the State of Mysore.

WHEREAS it is expedient to consolidate and amend the law relating to the management of municipal affairs in Towns in the State of Mysore ;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Town Municipalities Act, 1951. Short Title and commencement.

(2) It extends to the whole of the State of Mysore.

(3) This section shall come into force at once and the other provisions of this Act shall come into force on such date as the State Government may by notification in the Mysore Gazette appoint in this behalf.

2. On this Act coming into force, the Mysore Town Municipalities Act, 1933, and the Mysore Minor Municipalities Act, 1933, shall stand repealed : Repeal of Mysore Acts VIII and IX of 1933.

Provided that—

(a) the said repeal shall not affect the validity of anything already done under the said Acts ;

(b) all minor and town municipalities constituted, municipal councillors appointed or elected, committees established, limits defined, appointments, rules, orders and bye-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into, and suits and other proceedings instituted, under the said Acts or under any Acts thereby repealed, shall continue in force and be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued,

imposed, entered into and instituted under this Act until superseded by or under the provisions of this Act;

(c) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Definitions.

3. In this Act, unless there be anything repugnant in the subject or context—

(1) * * * *

(1) "annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to be let from year to year;

(2) "building" shall include a house, out-house, stable, latrine, shed, hut, wall, verandah, fixed platform, plinth, doorstep, staircase and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(3) "Commissioner" shall mean the Commissioner for Local Self-Government appointed by the Government;

(4) "councillor" shall mean any person who is legally a member of a municipal council;

(5) "dangerous disease" shall mean cholera, plague, small-pox, and any endemic, epidemic, or infectious disease by which the life of man is endangered and any other disease notified by the Government as a dangerous disease;

(6) "Election Commissioner" shall mean the Subordinate Judge having jurisdiction over the area within which the election has been or should have been held and includes any other Judge specially appointed in this behalf by the Government;

(7) "Government" shall mean the State Government.

(8) "judge" shall mean District Judge, Judge of a Court of Small Causes, Subordinate Judge or Munsiff;

(9) "land" shall include land which is built upon or covered with water;

(10) "municipal council" shall mean the council of a town municipality;

(11) "municipality" shall mean any local area which at the commencement of this Act, is a town or minor municipality and any local area which may hereafter be constituted or declared as a town municipality under sections 4 and 5, if such municipality has not ceased to be a town or minor municipality;

(12) "nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;

(13) "occupier" includes any person for the time being paying or liable to pay to the owner, the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part and also a rent-free tenant;

(14) "official year" shall mean the year commencing on the first day of April;

(15) "owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant;

Provided that no person receiving the rent of any land or building as agent or trustee for another person shall be liable to do anything by this Act required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he has funds of, or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required;

(16) "prescribed" means prescribed by any rule by the Government under this Act;

(17) "private street" means any street, road, square, court, alley, passage or riding path, which is not a public street, but does not include a pathway made by the owner

of a premises on his own land to secure access to or the convenient use of such premises;

(18) "Public securities" shall mean—

- (a) securities of the Government of India,
- (b) securities of the Government of Mysore, or of any other State Government,
- (c) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in the State; or
- (d) a security expressly authorized by any order which the Government makes in this behalf;

(19) "public street" means any street, road, square, court, alley, passage or riding path over which the public have a right of way whether a thoroughfare or not and includes—

- (a) the roadway over any public bridge or causeway;
- (b) the footway attached to any such street, public bridge or causeway;
- (c) the drains abutting to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah, or other structure, which lines on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to the Government or the municipal council; and
- (d) any street which under any provision of this Act becomes a public street;

(20) "salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of a salary from the Government who is not a full-time servant of the Government;

(21) "tax" shall include any toll, rate, cess, fee or other impost leviable under this Act;

(22) "vehicle" shall include bicycles, tricycles, auto-motor cars and every wheeled conveyance which is used or capable of being used on a public street;

(23) "whole number" shall mean when used with reference to the councillors of a municipal council, the total number of councillors holding office at the time.

CHAPTER II.

CONSTITUTION OF MUNICIPAL COUNCILS.

(1) *Municipalities.*

4. (1) Subject to the provisions of sections 6 and 7, the Government may, from time to time, by notification in the *Mysore Gazette*, declare any local area to be a town municipality, and may, from time to time, by a like notification, extend, contract or otherwise alter the limits of any such municipality, or declare that any local area shall from a date to be specified in the notification, cease to be a municipality.

Delimitation
of town
municipalities.

(2) Every such notification constituting a new town municipality, or altering the limits of an existing town municipality, shall clearly set forth the local limits of the area to be included in or excluded from such municipality, as the case may be.

Limits to be
specified in
notifications.

(3) It shall be the duty of the municipal council in every town municipality in existence at the commencement of this Act and of every town municipal council newly constituted under this Act, and of every town municipal council whose local limits are altered as aforesaid, to cause, at its own cost, to be erected or set up, if and when so required by the Commissioner or the Deputy Commissioner of the District and thereafter to maintain, at its own cost, substantial boundary marks of such description and in such positions as shall be approved by the Commissioner or Deputy Commissioner defining the limits or the altered limits of the municipality subject to its authority, as set forth in the notification.

Erection and
maintenance
of boundary
marks.

(4) When any local area ceases to be a municipality, the municipal council constituted therein shall cease to exist, and the property and rights vested in any such municipal council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipal council had jurisdiction.

Property and
rights of
municipal
council which
has ceased to
exist to vest
in Govern-
ment.

5. (1) The Government may at any time after consulting the municipal council concerned and considering objections, if any, declare by notification in the *Mysore Gazette* that a city municipality as defined in the *Mysore City*

Conversion of
city municip-
alities into
town
municipa-
lities.

Municipalities Act, 1933, shall, with effect from a date to be specified in the notification, be deemed to be a town municipality constituted under this Act and may, at any time, cancel such declaration.

(2) The provisions of the Mysore City Municipalities Act, 1933, shall not apply to any municipality declared as a town municipality under sub-section (1) with effect from the date specified in the declaration.

(3) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued or imposed under the Mysore City Municipalities Act, 1933, in respect of a municipality declared as a town municipality, so far as is not inconsistent with the provisions of this Act, and any appointment, notification, order, scheme, rule, bye-law or form made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Act or of such other law in respect of the town municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made or issued under this Act or such other law.

(4) Before any city municipality is constituted into a town municipality, the procedure prescribed in section 7 shall, as far as may be, be followed.

(5) The property, rights and liabilities of the municipal council of a municipality declared as a town municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

What local areas may be declared to be town municipalities.

6. (1) Any local area which comprises—

- (a) a town or station or two or more neighbouring towns and stations, with or without any village, suburb, or land, adjoining thereto, or
- (b) a village or suburb or two or more neighbouring villages and suburbs.

may be declared a town municipality:

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under

section 7 and in the notification issued under section 4, it shall not be lawful—

- (i) to include any town, station or suburb in a town municipality with any other town, station or suburb from which it is separated by an extent of more than two miles of land unoccupied by houses; or
- (ii) to constitute any town municipality in any area of which the population is less than three thousand. This shall not however apply to any local area or areas of whatever population, declared as a Town or Minor Municipality under the Mysore Town Municipalities Act, 1933, and the Mysore Minor Municipalities Act, 1933.

(2) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

Naming of municipalities comprising two or more places.

7. (1) Not less than two months before the publication of any notification declaring any local area to be a town municipality, or altering the limits of any such municipality or declaring that any local area shall cease to be a town municipality, the Government shall cause to be published in the *Mysore Gazette*, in English and Kannada, and to be posted up in conspicuous places in the said local area in Kannada, a proclamation announcing that it is proposed to constitute such local area to be a town municipality, or to alter the limits of the municipality in a certain manner, or to declare that such local area shall cease to be a municipality, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing to the Commissioner within two months from the date of the said proclamation, and whenever it is proposed to add to or exclude from a municipality any inhabited area, it shall be the duty of the municipal council also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

Town municipalities.

(2) The Commissioner shall, with all reasonable despatch, forward every objection so submitted to the Government.

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are, in its opinion, insufficient or invalid.

(2) *Municipal Councils.*

Constitution and incorporation of town municipal councils.

8. In every municipality, there shall be a municipal council, and every such municipal council shall be a body corporate by the name of "the municipal council of—," and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

Constitution of Municipal councils.

9-(1) The municipal council shall consist of such number of councillors as indicated in the following table :—

	<i>Number of Councillors.</i>
Municipalities with a population—	
Not exceeding 10,000 at the last census ...	15
Exceeding 10,000 at the last census ...	20

(2) Subject to the provisions of section 10, all the councillors of every municipality shall be elected.

(3) In any municipality the Government may by notification in the *Mysore Gazette*, from time to time, reserve seats for the Scheduled Castes and determine the number of such seats :

Provided that the total number of seats so reserved shall not exceed one-fifth of the strength fixed for the municipal council under sub-section (1).

(4) Nothing contained in this section shall be deemed to prevent members of the Scheduled Castes for whom seats have been reserved in any municipal council, from standing for election to the non-reserved seats in the council.

(5) In addition to the councillors referred to in sub-section (1), such persons as from time to time are executing the functions of any office from time to time notified in this behalf by the Government, shall have the right to speak in, and otherwise to take part in the proceedings of the municipal council and any committee of the council of which they may be named members, but shall not be entitled to move any resolution or to vote.

10. Any vacancy due to failure to elect the full number of councillors and any vacancy due to failure to elect a councillor under section 18 may, notwithstanding anything contained in this Act, be filled up by appointment by the Government.

Appointment by Government when councillors not elected.

11. (1) For the purposes of election of councillors to fill the seats referred to in sub-section (1) of section 9, the municipality shall be divided into 15 or 20 territorial divisions as the case may be, the boundaries of which shall be fixed by the municipal council and approved by the Commissioner by notification in the *Mysore Gazette*.

Territorial divisions for elections.

(2) The Commissioner may, after consultation with the municipal council concerned, by notification in the *Mysore Gazette* alter the boundaries of any such division.

(3) For each of the territorial divisions only one councillor shall be elected.

12. (1) Every person of either sex who has attained the age of 21 years in the official year preceding that in which the electoral roll is published and who is not otherwise disqualified under this Act shall be included in the electoral roll as qualified to vote at the election for any of the divisions referred to in sub-section (1) of section 11.

Qualification for enrolment in the electoral roll.

(2) No person shall be included in such electoral roll as qualified to vote at such election unless he has resided in such division for one hundred and twenty days in the aggregate in the official year preceding that in which the electoral roll is published:

Provided that a person shall not be deemed to be disqualified under this sub-section if he is employed in the town municipality and non-residence in the division for the period aforesaid is due to his absence on leave out of the State.

Explanation.—For the purpose of this sub-section no person shall be deemed to reside in more than one division.

13. (1) When in accordance with the rules made under clause (b) of sub-section (2) of section 208, a list of voters has been prepared or revised, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the municipal electoral roll. The electoral roll shall come into force from the date of its

Operation of lists.

publication and shall continue in force for a period of four years or for such less period, if any, as the Government may by order direct in any case, and after the expiration of such period, a new electoral roll shall be published :

Provided that—

(a) in the case of an election held after an electoral roll has ceased to have force and before the publication of the new electoral roll, the old electoral roll shall continue to operate as the electoral roll ;

(b) at any time any person whose name is not in the electoral roll and who claims to have it enrolled may apply to the prescribed authority to enter his name therein and the prescribed authority shall enter in the electoral roll the name of every such person whose claim is proved to its satisfaction ;

(c) the prescribed authority shall at any time expunge from the electoral roll the name of every person proved to its satisfaction to be dead or no longer to possess the qualification of a voter and may likewise correct any clerical error or omission in the electoral roll after affording the person affected an opportunity of being heard ;

(d) no change in the electoral roll shall be made under provisos (b) and (c) within one month preceding the date fixed for an election.

Right to vote
to depend on
entry in roll.

(2) At every election of councillors, every person enrolled in the municipal electoral roll as for the time being in operation under sub-section (1), shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote.

Enrolment
in municipal
electoral roll
necessary for
election as
councillor.

(3) A person shall not be qualified to be elected as councillor unless he is enrolled in the municipal electoral roll and a person who is already a councillor shall not be qualified to be a candidate at a bye-election held before his term of office as councillor, expires.

General dis-
qualifications
for becoming
a councillor.

14. (1) (A) No person shall be qualified for being chosen as, and for being, a councillor—

(a) (i) who has been sentenced by a criminal court to transportation or to imprisonment for an offence punishable with imprisonment for a term exceeding six months provided that (1) the offence is not of a political character or is one which involves

moral turpitude (2) such sentence has not been reversed or quashed or the offence pardoned, or

- (ii) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or
- (iii) who holds any office of profit under the Government of India or the Government of any State specified in the First Schedule to the Constitution of India, or
- (iv) who has been dismissed from municipal, district board or Government service, * * *
- (v) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent court, the disqualification in the latter case being operative during the period of such suspension, or
- (vi) who has been removed from office under section 16 of this Act or section 14 of the Mysore City Municipalities Act, 1933, or
- (b) who is of unsound mind and stands so declared by a competent court, or
- (c) who is an undischarged insolvent, or
- (d) who is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State, or

(e) who is less than twenty-five years of age; and

(B) No person—

(a) who is a subordinate officer or servant of a municipal council, district board panchayet or Government or

(b) who, save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council, or

(c) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a municipal council,

may be a member of such municipal Council ;

Provided that—

(a) the disqualification in sub-clause (ii) of clause (A)—
(a) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;

(b) the disqualification in sub-clauses (i), (iv) and (vi) of clause (A) (a) will cease to operate after the expiry of four years from the date of such sentence, dismissal, or removal or earlier by an order of the Government ;

(c) a person shall not be deemed to have incurred disqualification under clause (B) (b) by reason of his—

(i) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(ii) having a share or interest in any joint-stock company otherwise than as a managing director or agent or in any literary association registered under the Societies Registration Act, 1904, or in any society registered under the Mysore Co-operative Societies Act, 1948, which shall contract with or be employed by, or on behalf of, the municipal council, or

(iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipal council may be inserted, or

(iv) holding a debenture or being otherwise interested in any loan raised by, or on behalf of the municipal council, or

(v) having a share or interest in the occasional sale of any article in which he regularly trades, to the municipal council to a value not exceeding in any one official year, such amount as the municipal council, may fix in this behalf, or

(vi) having a share or interest in the occasional letting out on hire to the municipal council, or in the hiring from the municipal council, of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding five hundred rupees as the municipal council may fix in this behalf.

If any person is elected as a councillor in contravention of these provisions, his seat shall be deemed to be vacant:

Provided that nothing in this section shall invalidate the election if the disqualification is such as could have been brought to the notice of the Returning Officer at the time of or before the scrutiny of the nomination papers and has not been so brought to his notice.

(2) If any councillor during the term for which he has been elected or appointed—

(a) becomes subject to any disqualification specified in sub-section (1), or

Disabilities from continuing to be a councillor.

(b) votes or takes part as a councillor in the discussion of any matter—

(i) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in sub-clauses (i), (ii), (iii) or (v) of clause (c) of the proviso to sub-section (1), whatever may be the value of such share or interest, or

(ii) in which he is professionally interested on behalf of a principal or other person, or

(iii) in which he is engaged at the time in any proceeding against the municipal council, or

(c) absents-himself from the meetings of the municipal council, during three successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or

(d) fails to pay any arrears of taxes due by him to the municipal council within three months after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor and his office shall become vacant.

A councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.

(3) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

Power of Government to decide whether vacancy has occurred.

Resignation.

15. A councillor may resign his membership and a vice-president may resign his office as vice-president by giving notice in writing to that effect to the president and such resignation shall take effect, from the date of the receipt of the notice. The president may resign his membership or his office as president by giving notice in writing to that effect to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the receipt of the notice.

Liability to removal from office.

16. The Government, if it thinks fit on the recommendation of the municipal council, may remove any councillor elected or appointed under this Act, after giving him an opportunity of being heard and after such enquiry as it deems necessary, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Term of office.

17. Councillors*** elected at a general election or appointed under this Act shall, save as provided in the next following section, or unless they become in the meantime disabled or are removed from office under section 16, or section 206, hold office for a term of four years, extensible by order of the Government to a term not exceeding in the aggregate five years if on any occasion the Government shall think fit, for reasons which shall be notified together with the order in the *Mysore Gazette*, so to extend the same.

Casual vacancies how to be filled up.

18. Where a vacancy occurs through the non-acceptance of office by a person elected or appointed to be a councillor, or through such person being disqualified for becoming a councillor, or through any election being set aside under the provisions of sub-section (2) of section 20 or through the death, resignation, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, within a period of three months, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have held office if the vacancy had not occurred.

19. The names of persons elected or appointed as the case may be as President, Vice-President and Councillors of municipal councils shall be notified in the *Mysore Gazette*. Notification of names of persons elected.

20. (1) At any time within ten days after the date of the declaration of the result of an election of a councillor any candidate who stood for election or any ten persons qualified to vote at that election, may apply, together with a deposit of fifty rupees as security for costs to the Election Commissioner appointed by the Government in this behalf for the determination of the validity of the election. Determination of validity of elections, enquiry by judge; procedure.

(2) The Election Commissioner may, after such enquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the said Election Commissioner may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a civil court and he may also direct, by whom the whole or any part of the costs of such enquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion, if any, of the costs as is in excess of the sum paid at the time of the presentation of the application, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The Code of Civil Procedure shall, as far as possible, be followed in such enquiries. An appeal shall lie to the High Court from the order of the Election Commissioner, provided it is only on a point of law and is preferred within one month from the date of such order exclusive of the time requisite for obtaining a copy of the order. If the Election Commissioner sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh election.

(3) (a) The Election Commissioner, if satisfied that a candidate has, within the meaning of sub-section (4), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected. Declaration in case of corrupt practice by a candidate.

Scrutiny of
votes and
declaration in
other cases.

(b) If in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Election Commissioner shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected :

Provided that for the purpose of such computation, no vote shall be reckoned as valid if the Election Commissioner finds that any corrupt practice was committed by any person known or unknown, in giving or obtaining it.

What is a
corrupt
practice ?

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section—

(i) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

Candidate
when deemed
to have
committed
corrupt
practice.
Promise of
individual
profit.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.—A “promise of individual profit” includes a promise for the benefit of the person himself, or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

Mere irregularities and
informalities
not to invali-
date election.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (b) of sub-section (2) of section 208—or of an irregularity or informality not corruptly caused, the Election Commissioner shall not set aside the election.

Explanation.—The expression ‘error’ in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or rules made thereunder whereby the result of election has been materially affected.

(6) If the Election Commissioner sets aside an election under clause (a) of sub-section (3) he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate for the office of a councillor or president or both in that or any other municipality constituted under this Act or the Mysore City Municipalities Act, 1933, or the City of Bangalore Corporation Act, 1949 or for the office of a member or president or vice-president in a village panchayet or district board constituted under the Village Panchayets and District Boards Act, 1951 for a term of years not exceeding seven and the Election Commissioner's decision shall be conclusive:

Disqualification of candidate for corrupt practice.

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made:

Provided further, that such person may, by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualification.

21. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Act or any rule made under this Act.

Bar of suits relating to elections, etc.

(5) *Municipal Government.*

22. Except as in this Act otherwise expressly provided, the municipal Government of a municipality vests in the municipal council.

Municipal Government to vest in municipal council.

(6) *Presidents and Vice-Presidents.*

23. (1) For every municipal council, there shall be a president, and if and whenever the municipal council so desires, a vice-president.

Every municipal council to have a president, and if the municipal council so desires a vice-president.

(2) The President shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

President to be elected.

Vice-president
to be elected.

(3) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

Appointment
of president
or vice-presi-
dent by the
Government.

(4) If any municipal council fails to elect a president or vice-president within such reasonable time as may be specified in a notice issued by the Government in this behalf, the president or vice-president, as the case may be, may be appointed by the Government.

When Deputy
Commissioner
and Amildar
may perform
functions of
President.

(5) During a vacancy in the office of the president of a municipal council and when there is no vice-president to take his place, the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being or any officer nominated by him in this behalf not below the rank of an Assistant Commissioner in the case of municipalities at district headquarters or the Amildar or the person performing the duties of the Amildar for the time being in the case of other municipalities shall, notwithstanding anything contained in this Act or in the rules or notifications issued thereunder, perform the functions of the president.

Consequence
of absence
of president or
vice-president
without leave.

(6) Every president who, for a period exceeding two months and every vice-president who for a period exceeding one month, absents himself from the municipality in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president unless leave so to absent himself has been granted by the municipal council.

Limit of
grant of leave
and arrange-
ments during
leave.

(7) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a president and there is no vice-president for the council or the office of the vice-president is vacant, the vacancy shall be filled up by election by the council from among the councillors within such period and in such manner as may be prescribed. If the council fails to elect the president, the Government may fill up the vacancy. When leave is granted to a vice-president or when the vice-president is acting for the president, the vacancy in the office of the vice-president may be filled up by election of some other councillor thereto.

Vacation of
office by
vice-president
on becoming
president.

(8) If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president.

(9) Every president and every vice-president of a municipal council shall forthwith be deemed to have vacated his office if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose :

Vacation of office by president and vice-president for want of confidence.

Provided that no such resolution shall be moved unless notice of the resolution is signed by not less than one-third of the whole number of councillors and at least fifteen days' notice has been given of the intention to move the resolution.

(10) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts ;

Removal of presidents and vice-presidents.

Explanation.—A person may be presumed to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any court for the payment of money.

(11) The term of office of every president and of every vice-president shall, save as otherwise provided in this Act, cease on the expiry of two years from the date of his election, provided that in the meantime he does not cease to be a councillor.

Term of office of president and vice-president.

(12) In the event of the non-acceptance of office, death, resignation or removal from office of a president or vice-president or of his election being void, or of his becoming incapable of acting in such office or having ceased to be a councillor under sub-section (2) of section 14, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up by appointment or election, as the case may be, in accordance with the provisions of the foregoing sub-sections. For all the vacancies which are not otherwise provided for, the Government may appoint any person to perform all the duties and exercise all the powers of a president or vice-president during such vacancy.

Vacancies in their office how to be filled up.

(13) The president or vice-president of any municipal council may receive out of the municipal fund such monthly allowances as such municipal council may sanction from time to time with the approval of the Government.

Remuneration of president and vice-president of municipal council.

Functions of
presidents.

24. (1) Subject to the provisions of chapter XIII, it shall be the duty of the president of a municipal council to—

- (a) preside, unless prevented by reasonable cause, at all meetings of the municipal council and, subject to the provisions of the rules for the time being in force under clause (a) of section 46, to regulate the conduct of business at such meetings;
- (b) watch over the financial and executive administration of the municipal council;
- (c) perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under and in accordance with this Act;
- (d) subject to the provision of section 35 and of the rules for the time being in force, perform such other executive functions as may be performed by or on behalf of the municipal council over which he presides;
- (e) exercise supervision and control over the acts and proceedings of all officers and servants of the municipal council in matters of executive administration and in matters concerning the accounts and records of the municipal council; and, subject to the rules for the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;
- (f) furnish to the Commissioner or to such other officer as the Commissioner shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the municipal council; and
- (g) furnish any extract from the minutes of the proceedings of the municipal council or of any committee or other document or thing which the Commissioner or the officer authorised by the Commissioner in this behalf from time to time calls for under section 196.

(2) In a municipality for which there is no Executive officer, the president shall, notwithstanding anything contained in Chapter XIII and independently of such

executive functions as are allotted to him by, or delegated to him under any other provision of this Act, exercise all the powers that may be exercised by an Executive officer in the municipality.

25. The president shall be responsible for the custody of all records of the municipal council including all papers and documents connected with the proceedings of the council and all the committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.

Custody of records.

26. (1) It shall be the duty of the vice-president of a municipal council to exercise such of the powers and perform such of the duties of the president as the president from time to time delegates to him in accordance with the general or special orders of the Government issued in this behalf.

Functions of vice-presidents.

(2) It shall be the duty of the vice-president—

(a) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the municipal council, and he shall, when so presiding exercise the same authority as is vested in the president under clause (a) of sub-section (1) of section 24; and

(b) pending the succession, appointment or election of a president, or during the absence of a president on leave, to exercise the powers and perform the duties of the president.

CHAPTER III.

CONDUCT OF BUSINESS

(1) *Municipal Meetings.*

27. The following provisions shall be observed with respect to the meetings of a municipal council :—

Provisions in regard to meetings of a municipal council.

(1) There shall be held an ordinary general meeting in each month for the disposal of general business. It shall be the duty of the president to fix the dates for all ordinary general meetings.

Ordinary general meetings.

Special
general
meetings.

(2) The president may, whenever he thinks fit, and shall upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of councillors may call such meeting for a day not more than thirty days after the presentation of such request.

Notice to be
given of
meetings.

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice or in cases of great urgency, notice of such shorter period as is reasonable of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the councillors, and posted up at the municipal office or some other public building in the municipality. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten days previous to the meeting, of his intention to bring forward thereat and, in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting:

Provided that the motion or proposition of which a councillor or councillors shall have given notice shall relate to matters connected with the municipal administration and shall not be inconsistent with the provisions of this Act.

Meetings to
be held at
municipal
office.

(4) Every meeting of a municipal council shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such municipal council.

Meeting how
presided over
in the absence
of the
president
and vice-
president.

(5) Every meeting shall, in the absence of both the president and the vice-president, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (a) of sub-section (1) of section 24.

Meeting must
ordinarily be
open to the
public.

(6) Every meeting shall be open to the public unless the presiding authority deems any enquiry or deliberation pending before the municipal council such as should be held in private:

Provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

(7) If less than one-third of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for * * * * thirty minutes, adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which should have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting, provided that not less than one-fourth of the whole number of councillors * * * be present. Any subject not disposed of at such an adjourned meeting shall be deemed to have lapsed and may be brought up before the next ordinary general meeting, or if necessary or expedient, at a special general meeting.

Number of
councillors
required to
form a
quorum.

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting, or in the case of a special general meeting in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business, or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

Business
to be
transacted at
meetings,
and order of
business how
to be settled.

(9) There shall be kept in Kannada, and if the municipal council so resolves in English, either in lieu of or in addition to Kannada, minutes of the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (16), and of the proceedings at each general meeting, in a book to be provided for this purpose, which shall be signed, * * * by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any voter of the municipality.

Minutes of
proceedings
to be kept.

All questions must be decided by a majority of votes.

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (a) of section 46.

Councillor not to vote on questions in which he has pecuniary interest.

(11) No councillor shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the council if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary personal interest.

Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.

(12) If the presiding authority is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on or take part in it. Any other councillor may be chosen or elected to preside at the meeting during the continuance of such discussion.

Adjournments of meetings.

(13) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other day; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

A notice of such adjournment posted in the municipal office shall be deemed sufficient notice of the adjourned meeting.

Modification and cancellation of resolutions.

(14) No resolution of a municipal council shall be modified or cancelled within three months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of councillors at a general meeting, whereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.

(15) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the municipal council by a Government Executive Engineer, shall be transacted at any meeting of a municipal council unless a letter has been addressed to the said Executive Engineer informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business.

(16) (a) The Executive Engineer, the principal officer of health in the district and any other officer approved and notified by the Government in this behalf, * * * may be present at any meeting of such municipal council and, with the consent of the municipal council, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such municipal council:

Certain Government officers may attend meetings of municipal councils.

Provided that the said officers shall not, be entitled to vote upon any such question.

(b) If it shall appear to a municipal council that the presence of the Executive Engineer or the principal officer of health in the district or any other officer approved and notified by the Government in this behalf, is desirable for the purpose aforesaid at any future meeting of such municipal council, it shall be competent to such municipal council, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence thereat; and the said officer, unless prevented by sickness, or other reasonable cause, shall be bound to attend such meeting:

Municipal council may require the presence of certain of the said officers at their meetings.

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a deputy or assistant or other competent subordinate as to his views and may send him to the meeting as his representative, instead of appearing thereat in person.

Explanation.—The term “Executive Engineer” in subsections (15) and (16) of this section includes the principal engineering officer in the taluk or the district.

28. (1) Any councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable.

Rights and privileges of individual councillors.

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such rules as may be framed by the Government.

(3) Every councillor shall have access to the records of the municipal council after giving due notice to the president, provided that the president may for reasons given in writing forbid such access.

(2) *Committees.*

Committees.

29. The municipal council may constitute committees for the purpose of exercising such powers discharging such duties, or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to inquire into and report or advise on any matters which it may refer to them.

When persons other than councillors may serve on committees.

30. Notwithstanding anything contained in this Act, it shall be lawful for the municipal council from time to time, by a resolution supported by not less than one-half of the whole number of councillors, to appoint, as members of any committee under section 29, any persons who are not councillors, but who may, in the opinion of such municipal council, possess special qualifications for serving on such committees, provided that the number of persons so appointed on any committee shall not exceed one-half of the total number of the members of such committee.

Duties, etc., of such persons.

All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable so far as may be to such persons.

When Chairman to be *ex-officio*.

31. (1) The president, if a member of any committee, shall be *ex-officio* chairman thereof.

(2) The vice-president, if appointed a member of any committee of which the president is not a member, shall be *ex-officio* chairman thereof.

When no *ex-officio* chairman, municipal council may appoint chairman.

(3) The municipal council may appoint a chairman for every committee of which there is no *ex-officio* chairman.

(4) Every committee, of which there is an *ex-officio* chairman or a chairman appointed by the municipal council shall, at each meeting which such chairman does not attend, appoint from its members a chairman for such meeting.

When *ex-officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting.

(5) Every committee of which there is no *ex-officio* chairman or chairman appointed by the municipal council, shall appoint from time to time a chairman from among its members.

If there is no chairman, *ex-officio* or appointed by the municipal council. Procedure at meetings.

32. (1) The provisions of sub-sections (4), (9), (10) and (16) of section 27 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a municipal council contained in those provisions and as if for the words "municipal council" where they occur in the proviso to clause (a) of sub-section (16) of section 27, there were substituted the word "committee".

If the chairman of any committee has been absent from the municipality for a period exceeding fifteen days the president or vice-president may, in his absence, call a meeting thereof:

Provided that notwithstanding anything to the contrary contained in sub-section (9) of section 27, committees may record their proceedings either in English or in Kannada as they may think fit.

(2) Committees may meet and adjourn as they think proper, but the chairman of a committee may, whenever he thinks fit, and shall, upon the written request of the president of the municipal council or of not less than two members of the committee, and for a date not more than two days after the presentation of such request call a special meeting of such committee.

Committees shall meet when they think proper.

(3) No business shall be transacted at any committee meeting unless more than one-third of the members of the committee be present thereat.

Number of members required to form quorum at committee meetings.

Procedure by
circular.

33. (1) Notwithstanding anything contained in the preceding section, the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own, or of any other member of the committee or of an Executive officer of the municipal council, for the observation and votes of the members of the committee.

Propositions
sent to be
seen to
Government
officers for
remarks.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (15) of section 27, shall obtain thereupon the remarks, if any, which any Government officer, not a councillor, whose presence the municipal council would be entitled to require under the provisions of clause (b) of sub-section (16) of section 27, desires to record.

Decisions
how to be
taken on
propositions
circulated ;

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

and how to
be recorded.

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book.

Subordination
of committees
to instruc-
tions of
municipal
council and
compliance
with requis-
itions of muni-
cipal council.

34. (1) Every committee shall conform to any instructions that may from time to time be given to it by the municipal council ; the municipal council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorised or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

Orders
subject to
revision and
appeal.

(2) Every order passed by a committee appointed under section 29 shall be subject to revision by, and open to appeal to, the municipal council in accordance with rules that may be framed by the municipal council in this behalf.

Powers,
duties and
functions
may be
delegated to
officers
whose
expenses
may be paid.

(3) *Delegation of powers to individuals.*

35. Any powers or duties or executive functions which may be exercised or performed by or on behalf of the municipal council may be delegated, in accordance with rules to be made by the municipal council in this behalf, to the president or to the vice-president, or to the chairman of any committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on any committee by or

under section 29; and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein.

(4) *Validity of Proceedings.*

36. (1) No disqualification of, or defect in the election or appointment of, any person acting as councillor, or as the president or presiding authority of a general meeting or as chairman of a committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the municipal council or of any such committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

Acts and proceedings of municipal council and committees not vitiated by disqualifications, etc., of members thereof.

No resolution of a municipal council or any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any councillor or member, provided that the proceedings of the municipal council or committee were not prejudicially affected by such irregularity.

(2) Until the contrary is proved, every meeting of the municipal council or of a committee appointed under this Act, in respect of the proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

Proceedings of meetings to be good and valid, until the contrary is proved.

(3) During any vacancy in a municipal council or committee the continuing councillors or members may act as if no vacancy had occurred.

Vacancy not to affect municipal council's proceedings.

(5) *Joint transactions with other Bodies.*

37. A municipal council may from time to time join with any other municipal council constituted under this Act or under the Mysore City Municipalities Act, 1933, or with any district board, or with more than one such municipal council or board,

Joint committees of two or more municipal councils.

(i) in appointing, out of their respective bodies, a joint committee for any purpose in which

they are jointly interested, and in appointing a chairman of such committee ;

- (ii) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies ; and
- (iii) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the Government, or of such officer as it appoints in this behalf shall be final.

(6) *Contracts.*

Competency of municipal council to lease, sell and contract.

38. (1) Every municipal council shall be competent subject to the restrictions contained in sub-section (2), to lease, sell or otherwise transfer any moveable or immoveable property which may, for the purposes of this Act, have become vested in or been acquired by it, and, so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts as it may consider necessary or expedient in order to carry into effect the said provisions and purposes.

Subject in certain cases to sanction of Government.

(2) In the case of every free grant of immoveable property whatever may be its value or of every grant for an upset price and of every lease for a term exceeding ten years, and of every sale or other transfer of immoveable property exceeding two thousand rupees in value, the previous sanction of the Government is required :

Provided that such sanction shall be presumed to have been accorded unless it is refused within a period of three months from the date of receipt by the Government of the recommendation of the municipal council.

Sanction by resolution at general meeting requisite to validity of certain contracts.

- (3) In the case—
 - (a) of a lease for a period exceeding one year or of a sale or other transfer, or contract for the purchase of any immoveable property,
 - (b) of every contract which will involve expenditure not covered by a budget grant,
 - (c) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the municipal council by a resolution passed at a general meeting is required.

(4) In the case of a contract for the purchase of moveable property, or for the sale of any moveable property belonging to a municipal council, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the municipal accounts exceeds one thousand rupees, the sanction of the municipal council is required.

Sanction of municipal council when requisite in other cases.

(5) Before any contract for the supply of materials or goods or for the execution of any work which will involve an expenditure exceeding five hundred rupees is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the municipal council from persons willing to enter into such contract and, when the estimated value exceeds ten thousand rupees, no such contract shall be entered into without the previous approval of the Government or of an officer duly authorised by the Government in this behalf.

When tenders should be invited.

(6) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of such committee, or of such individual as under the provisions of this Act or of the rules for the time being in force thereunder, is empowered in this behalf, is required.

Sanction by committees and individuals empowered.

(7) Every contract entered into by or on behalf of a municipal council, other than a contract to which sub-section (6) applies, shall be in writing, and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the municipal council. Every contract to which sub-section (6) applies shall be executed by the chairman of such committee or by such other individual, as is empowered in that behalf, in such manner and form as according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf.

Mode of executing contracts.

(8) No contract shall be binding on a municipal council unless the requirement of this section shall have been complied with.

Invalidity of contracts unless requirements of this section are fulfilled.

(9) The provisions of this section shall be subject to the provisions of section 53 and Chapter XII.

Contracts by officers appointed by Government to execute municipal works and payment for such works.

39. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such works into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

(7) *Compulsory acquisition of land.*

Acquisition of land.

40. When any land, whether within or without the limits of the municipality, is required for the purposes of this Act, the Government may, at the request of the municipal council, proceed to acquire it under the provisions of the Mysore Land Acquisition Act, 1894, and, on payment by the municipal council, of the compensation awarded under the Act and of any other charges incurred by the Government in connection with the acquisition, the land shall vest in the municipal council.

(8) *Liabilities of councillors, officers and servants.*

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

41. (1) Except as herein otherwise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the municipal council; the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president and members for loss, waste or misapplication.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council, to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, the executive officer or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Act shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misconduct.

42. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, a municipal council, or in any employment with, under, by, or on behalf of, a municipal council other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such municipal council.

Officer or servant of any municipal council not to be interested in any contract with such municipal council.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

Effect of acquiring such interest.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by, or on behalf of, a municipal council as, under sub-clauses (i), (ii), and (iv) of clause (c), of the proviso to sub-section (1) of section 14, it is permissible for a person to have without his being thereby disqualified for being a councillor.

Saving clause.

43. (a) Any councillor who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, under, by or on behalf of, a municipal council of which he is a member, not being a share or interest such as, under section 14, it is permissible for a person to have, without being thereby disqualified for being a councillor, and

Penalty for councillor, officer or servant of a municipal council being interested in any contract, etc., with that municipal council.

(b) any municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract, or except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by, or on behalf of, a municipal council of which he is an officer or servant, not being a share or interest such as under sub-clauses (i), (ii) and (iv) of clause (c) of the proviso to sub-section (1) of section 14, it is permissible for a person to have without being thereby disqualified for being a councillor,

shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees.

Notice to sweepers and scavengers before discharge.

44. (1) In the absence of a written contract to the contrary, every sweeper or scavenger employed by the municipal council shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged by the municipal council for misconduct or was engaged for a specified term and discharged at the end of it.

Penalty for withdrawal of sweepers and without notice.

(2) Should any sweeper or scavenger employed by the municipal council, in the absence of a written contract authorising him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the municipal council, or neglect or refuse to perform his duties, or any of them, he shall be liable, on conviction, to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

Application of sub-sections (1) and (2) to other municipal servants.

(3) The Government may, by notification, direct that on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers or scavengers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety.

Councillors, etc., to be deemed public servants.

45. (1) Every * * * councillor, officer or servant of a municipality, every auditor appointed under section 189 and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessees shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipal council.

CHAPTER IV.

RULES AND BYE-LAWS.

Government to make rules.

46. (1) The Government shall as soon as may be make rules, not inconsistent with this Act,—

Regulating the conduct of business.

(a) regulating the conduct of business and the delegation of any of the powers or duties and the appointment and constitution of committees of a municipal council;

- (b) (i) determining the executive functions to be performed by the president, vice-president, the chairman of any committee, or the executive officer and the delegation of any of its powers or duties to such persons; Fixing the functions of the president and the establishment.
- (ii) determining the staff, of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and the powers and duties delegated to them under section 35;
- (c) generally for the guidance of the officers and servants of a municipality in all matters relating to its administration; For general guidance of municipal servants;
- (d) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security; Fixing the amount of the security to be furnished;
- (e) determining the mode and conditions of appointing, punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant; Determining mode of appointing, etc., municipal servants; delegating power to appoint, etc.
- (f) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave; Granting leave to municipal servants;
- (g) authorising the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the municipal council or with the approval of the municipal council by the said officers and servants; Contributing to provident funds.
- (h) prescribing, subject to the provisions of Chapter VII, the taxes to be levied in the municipality for municipal purposes, the circumstances in which exemption will be allowed, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes and the fees to be charged for licences or permissions granted under section 80, and the times at which and the mode in which the same shall be levied or recovered or shall be payable, and prescribing the fees for notices
- Prescribing the taxes, etc., to be levied for municipal purposes.

demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any live-stock distrained, and designating the persons authorised to receive payment of any sums so leviable and the manner in which auctions of moveable property under section 94, shall be held;

For writing
off amounts
due and
remitting fees.

(i) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax or on any other account may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted;

(2) Every municipal council shall, subject to such modifications as it deems fit, adopt the rules made under sub-section (1), and may from time to time make amendments therein:

Provided that the making of amendments in the rules shall not have effect unless and until it has been approved by the Government.

(3) Notwithstanding anything contained in this section the rules in force in any municipality on the date of commencement of this Act, shall continue in force until superseded by rules made and adopted under sub-sections (1) and (2).

Power to
suspend,
reduce or
abolish any
existing tax.

47. (1) Subject to the requirements of proviso to sub-section (2) of section 46, every municipal council may, except as otherwise provided in clause (b) of the proviso to section 83, at any time for any sufficient reason suspend, modify or abolish any existing tax by suspending, altering or rescinding any rule prescribing such tax.

(2) The provisions of Chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension, modification or abolition of any tax and to the suspension, alteration or rescission of any rule prescribing a tax.

Government
to make
bye-laws.

48. (1) The Government shall, as soon as may be, make bye-laws not inconsistent with this Act,—

For markets
and slaughter
houses etc.

(a) for the regulation and inspection of markets, all public places used for the sale of articles and slaughter houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the

proper and clean conduct of business therein; for regulating the sale of fruit, flowers, and vegetables in the municipal markets or other specified places; and for fixing the rents and other charges to be levied for the use of any of them which belong to the municipal council;

(b) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licences may be granted, refused, suspended or withdrawn for the use of any place not belonging to the municipal council—

For licensing, regulating and inspecting certain businesses.

- (i) as a slaughter-house;
- (ii) as a market or shop for the sale of animals intended for human food, or of meat, or of fish or as a market for the sale of fruit or vegetables;
- (iii) for any of the purposes mentioned in section 160;
- (iv) as a dairy, hotel, restaurant, eating house, coffee-house, sweetmeat-shop, bakery, boarding house, or lodging house, (other than a students' hostel under public or recognised control) or for manufacturing ice or aerated waters;
- (v) as a place for the preparation or manufacture of oil; or
- (vi) for any other purpose for which the taking out of a licence is or may be prescribed;

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious offensive, or dangerous effect arising or likely to arise therefrom;

(c) prohibiting the stalling or herding of horses, camels, cattle, donkeys, pigs, sheep or goats, otherwise than in accordance with such acts prescribed in such byelaws in regard to the number thereof and the places to be used for the purpose, as may be necessary to prevent danger to the public health;

Regulating the stalling of cattle, etc.

(d) (i) for the inspection of milch-cattle; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers;

For regulating dairies and cattle sheds.

Milk-stores,
etc.

(ii) for securing the cleanliness of milk stores, milk shops and vessels used by milk-sellers or buttermen for milk or butter;

For inspection
of weights
and measures.

(e) for the inspection of instruments for weighing and weights and measures under section 156;

For the
registration
of births, etc.

(f) for the registration of births, deaths and marriages, and the taking of statistics within the municipality and for enforcing the supply of such information as may be necessary to make such registration or statistics effective;

Regulating
the disposal
of the dead.

(g) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead;

For enforcing
information as to
epidemics.

(h) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 157 and 158.

For enforcing
information as to
liability to
municipal
taxation.

(i) for enforcing the supply of such information by inhabitants of the municipality as may be necessary to ascertain their respective liabilities to any tax imposed therein;

(j) for the numbering and registration of any vehicle liable to taxation under this Act;

Octroi
bye-laws.

(k) fixing octroi limits and stations; providing for the exhibition of tables of octroi; requiring a licence to be obtained for the sale of any article liable to octroi and prescribing the conditions on or subject to which such licence may be granted, refused, suspended or withdrawn, regulating, subject to any general or special orders which the Government may make in this behalf, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made;

(l)

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(l) for conserving and preventing injury to sources and means of water supply and appliances for the distribution of water whether within or without the limits of the municipality; and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water-works and of pipes and fittings in connection therewith, whether the property of the municipal council or not;

For protecting water.

Explanation.—Sources and means of water-supply shall include private wells which are used by the public.

(m) regulating the use of public bathing and washing places within municipal limits;

Regulating public baths, etc.

(n) regulating sanitation and conservancy;

For conservancy.

(o) regulating the conditions for the construction, use and disposal of houses intended for the poor under clause (c) of section 58;

For constructing houses for the poor.

(p) regulating the disposal of carcasses of dead animals;

For the disposal of carcasses.

(q) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of, temporary structures on public streets or for projections over public streets, and regulating the structure and dimensions of plinths, walls, foundations, floors, roofs and chimneys of new buildings, for the purpose of securing stability and the prevention of fires, and for purposes of health;

Regulating structures and buildings.

(r) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufactories, places of public resort or for any other purpose.

For regulating construction or use of buildings.

(s) for preventing the erection of the buildings without adequate provision being made for the laying out and location of streets;

For providing for streets.

For ensuring ventilation.

(t) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air ;

Control of drains.

(u) regulating, in any other particular not specifically provided for in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cesspools, water closets, privies, latrines, urinals, and drainage or sewerage works of every description, whether the property of the municipal council or not ;

Requiring information and plans in certain cases.

(v) determining the information and plans to be required by the municipal council under section 112 ;

For controlling unwieldy traffic.

(w) prohibiting the transit of any vehicles of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction, thereon, or risk or obstruction to other vehicles or to pedestrians, along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally in such bye-laws or in special licences to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such bye-laws :

Provided that no such bye-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipal council in conspicuous places at or near both ends of such street or portion of a street ;

Public parks.

(x) securing the protection of public parks, gardens, and open spaces, vested in or under the control of the municipal council, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them ;

For licensing factories; the use of steam whistles, etc.

(y) prescribing the conditions on or subject to which and the circumstances in and the areas or localities in respect of which licences may be granted, refused, suspended or withdrawn for the establishment in any premises, of

any factory, as defined in the Mysore Factories Act, 1914, or for the use of whistles and trumpets operated by steam, mechanical means or electricity in factories or other places for the purposes of summoning or dismissing workmen or persons employed;

(2) generally for the regulation of all matters relating to municipal administration.

Fine may be imposed for infringement of bye-laws.

And every municipal council may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such bye-law.

(2) Every municipal council shall, subject to such modifications as it deems fit, adopt the bye-laws made under sub-section (1) and may from time to time make amendments therein:

Provided that the making of amendments therein shall not have effect unless and until it has been approved by the Government.

(3) Every municipal council shall, before adopting any bye-law under sub-section (4), publish in such manner as shall in its opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the bye-laws proposed to be adopted clearly indicating the modifications, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before adopting the bye-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Publication of drafts of proposed bye-laws.

(4) When any bye-law adopted by a municipal council is submitted to the Government for approval, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said bye-law.

Objections and suggestions to be submitted to Government.

(5) Notwithstanding anything contained in this section, the bye-laws in force in any municipality on the date of commencement of this Act, shall continue in force until superseded by bye-laws made and adopted under sub-sections (1) and (2).

49. The rules and bye-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Act in Kannada shall be kept on sale at cost price.

Rules and bye-laws to be printed and sold.

CHAPTER V.

MUNICIPAL PROPERTY AND FUND.

Power to
acquire and
hold property.

Property
vested in the
municipal
council.

50. (1) Every municipal council may acquire and hold property both moveable and immoveable, whether within or without the limits of the municipality.

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the municipal council and shall, together with all other property of whatsoever nature or kind not being specially reserved by the Government, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee subject to the provisions and for the purposes of this Act, that is to say—

- (a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots;
- (b) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works and all bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;
- (c) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, along-side or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cess-pools or elsewhere;
- (d) all public lamp, lamp-posts and apparatus connected therewith, or appertaining thereto;
- (e) all lands and buildings transferred to it by the Government, or by gift or otherwise, for local public purposes;
- (f) all public streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

(3) It shall be competent to the Government from time to time, by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine.

Power to Government to resume property.

51. All money received by or on behalf of the municipal council by virtue of this or any other Act; all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by it under this Act; all proceeds of land or other property sold by the municipal council, and all rents accruing from its land or property; as also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise shall constitute the municipal fund, and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section:

Municipal fund.

Provided that nothing in this section, or in the last preceding section, shall in any way affect any obligations accepted by or imposed upon any municipal council by any declarations of trust executed by or on behalf of such municipal council, or by any scheme settled by order of the Government for the administration of any trust.

Provision as to special trusts.

52. The municipal fund and all property held by or vested in the municipal council under this Act, shall be applied, subject to the provisions of this Act for the purposes specified in sections 55, 56 and 58 and for all other purposes for which by or under this Act, or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the commissioner or the Government for any other purpose for which the application of such property or fund is in the public interests.

Application of municipal fund and property.

53. (1) It shall be lawful for the municipal council to deposit at interest with the Government savings bank, or with the sanction of the Government in any other bank in or outside of Mysore, any surplus funds in its hands which may not be required for current charges, and, with the like sanction to invest such funds in public securities in the name of the municipal council, and from time to time dispose of such securities as may be necessary.

Power to deposit and invest surplus funds.

Surplus not so deposited or invested how to be dealt with.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1), be deposited in the local Government treasury, or such other place of security as may be sanctioned by the Government.

Power of municipal councils to borrow money.

54. A municipal council may, in pursuance of a resolution passed at a special general meeting and with the previous sanction of the Government and subject to such conditions as may be prescribed by the Government as to security, the rate of interest and the repayment of principal and interest, borrow either from the Government or from any person, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Act.

CHAPTER VI.

OBLIGATORY AND DISCRETIONARY FUNCTIONS OF MUNICIPAL COUNCILS.

Obligatory duties of municipal councils.

55. It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely :—

- (a) lighting public streets, places and buildings ;
- (b) watering public streets and places ;
- (c) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not; removing noxious vegetation; and abating all public nuisances;
- (d) extinguishing fires and protecting life and property when fires occur ;
- (e) regulating or abating offensive or dangerous trades or practices ;
- (f) removing obstructions and protection in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or belong to the Government ;
- (g) securing or removing dangerous buildings or places, and reclaiming unhealthy localities ;

(h) acquiring and maintaining, changing and regulating places for the disposal of the dead;

(i) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage works, sewage works, baths, washing places, drinking fountains, tanks, wells, dams and the like;

(j) obtaining a supply of or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost;

(k) naming streets and numbering houses;

(l) registering births and deaths;

(m) public vaccination;

(n) suitable accommodation for any calves, cows, or buffaloes required within the municipality for the supply of animal lymph;

(o) establishing and maintaining public hospitals and dispensaries, and providing public medical relief;

(p) arranging for the destruction or the detention and preservation of such dogs within the municipality as may be dealt with under the law in force relating to police or under section 138 of this Act;

(q) providing facilities for anti-rabic treatment and meeting the expenses of indigent persons undergoing anti-rabic treatment within or outside the municipal limits;

(r) * * * * *

(r) printing such annual reports on the municipal administration of the municipality as the Government by general or special orders requires the municipal council to submit;

(s) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipal council for the purposes of this Act or for the protection of any municipal property, and providing such accommodation as may be required by the Government under the police;

(t) if the Government so requires, compost making.

**Special
duties.**

56. * * * * * Every municipal council shall make reasonable provision for the following special matters namely:—

(a) providing special medical aid and accommodation for the sick in time of dangerous disease; and taking such measures as may be required to prevent the outbreak or suppress and prevent the recurrence of the disease;

(b) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipality.

**Power of
Government
to exempt
municipal
council from
any of the
duties.**

57. Notwithstanding anything contained in sections 55 and 56, the Government may exempt any municipal council from any of the provisions of those sections or may declare that in regard to any municipal council any of the duties specified in the aforesaid sections shall be deemed to be discretionary duties within the meaning of section 58.

**Discretionary
powers of
expenditure
of municipal
councils.**

58. Municipal councils may, at their discretion, provide out of the said property and fund, either wholly or partly, for—

(a) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to abut on such street;

(b) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharmasalas, choultries, musafarkhanas, rest-houses and other public buildings;

(c) constructing and maintaining, where necessary, suitable sanitary houses for the habitation of the poor and granting loans for the construction of such houses or for effecting necessary improvements connected therewith;

(d) providing accommodation for any class of servants employed by the municipal council or granting loans to such servants for construction of houses subject to the rules prescribed in this behalf;

(e) granting loans to encourage local arts and industries;

(f) planting and maintaining roadside and other trees;

(g) taking statistics and granting rewards for information which may tend to secure the correct registration of vital statistics;

(h) making a survey;

(i) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 161;

(j) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the municipal council;

(k) establishing and maintaining a farm or factory for the disposal of sewage;

(l) providing music for the people;

(m) the promotion of public health or infant welfare;

(n) contribution towards any public fund raised for the relief of human suffering within or without the municipality;

(o) by a resolution passed at a general meeting and supported by one-half of the whole number of councillors, and with the previous sanction of the Deputy Commissioner any public reception, ceremony, entertainment or exhibition within the municipality;

Provided that no such previous sanction shall be necessary if such resolution is passed unanimously;

(p) the organisation or maintenance during scarcity of shops or stalls for the sale of necessities of life;

(q) housing and maintaining destitute orphans and destitute cripples;

(r) subject to the provisions of the Mysore Warehouses Act, 1950, constructing establishing and maintaining warehouses, and

(s) any other matter not hereinbefore specifically named which is likely to promote education or the public health, safety or convenience or the advancement of the economic condition of the inhabitants or which is necessary for the carrying out the purposes of this Act expenditure whereon is resolved by the municipal council by the votes of not less than two-thirds of the whole number of councillors and with the approval of the Government to be an appropriate charge on the municipal fund.

Arrange-
ments
purporting to
be binding
permanently
or for a term
of years.

59. When a municipal council has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the municipal council, or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that it shall have given at least twelve months' notice of its intention so to do to the manager or managers of such institution.

Management
of public
institutions
maintained
by municipal
councils to
vest in it.

60. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained.

CHAPTER VII.

MUNICIPAL TAXATION.

(1) *Imposition of Taxes.***61.** Any municipal council—

Taxes which
may be
imposed.

(a) after observing the preliminary procedure required by section 62, and

(b) with the sanction of the Government, and subject to such modifications or conditions as under section 63, the Government in according such sanction deems fit, may impose, for the purposes of this Act, any one or more of the following taxes at rates not exceeding those prescribed in Schedules I to VI [except the levy under clause (xiii) which shall be levied in accordance with the provisions of section 65,] that is to say,—

- (i) a rate on buildings or lands or both situated within the municipality ;
- (ii) a tax on all or any vehicles, boats or animals used for riding, draught or burden, kept within the said municipality for use ;
- (iii) a toll on vehicles entering the said municipality, but not liable to taxation under the clause last preceding ;
- (iv) an octroi on animals or goods, or both brought within the octroi limits for consumption, use or sale therein ;

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(v) a stand fee for bus stands established or maintained by a municipal council ;

(vi) a tax on dogs kept within the said municipality ;

(vii) a special sanitary cess upon private latrines, premises or compound cleansed by municipal agency, after notice given as hereinafter required ;

(viii) a general sanitary cess for the construction or maintenance, or both construction and maintenance of public latrines and underground drainage and for the removal and disposal of refuse ;

(ix) a water-rate or water-rates for water supplied by the municipal council, which may be imposed in the form of rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case ;

(x) a lighting tax;

(xi) a tax on arts, professions, trades and callings and on offices and appointments ;

(xii) a tax on shops and other places where a business or profession is carried on for purpose of profit, payable by the person or persons engaged in the business or profession :

Provided that where the municipal council elects to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (x), in respect of the business or professions carried on in the shop or place ;

(xiii) a duty on transfers of immoveable property in the shape of an additional stamp duty :

Provided that—

(a) no tax imposed as aforesaid other than a special sanitary cess or water-rate shall, without the express consent of the Government, be leviable in respect of—

(i) any building or part of any building belonging to the Government * * and used solely for public purposes and not used or intended to be used for residential purposes or for purpose of profit, or any building or part of any building belonging to the Central Government ;

(ii) any vehicle, animal or other property belonging to the Government and used solely for public purposes and not used or intended to be used for purpose of profit, or any vehicle, animal or other property belonging to the Central Government ;

(iii) any building or part of a building used as a place of public worship or used for a charitable purpose ;

(b) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the

Maharaja or in respect of any vehicle, animal or other property belonging to His Highness the Maharaja;

(c) no toll shall be leviable in respect of any vehicle used for the passage of troops or the conveyance of the property of His Highness the Maharaja or of Government stores or of any other Government property or for the passage of military or police officers on duty or the passage or conveyance of any person or property in their custody;

(d) the Government may by order grant and define other exemptions in exceptional cases from payment of tolls and other taxes imposed under this Act;

(e) no tax shall be leviable in respect of horses, being registered chargers of the officers of the Armed Forces of the Union or in respect of one bicycle and one horse kept by the members of the Mysore Police Force for the performance of their official duties;

(f) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds unless and until the municipal council has—

(i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers, and

(ii) issued either severally to the persons to be charged, or generally to the inhabitants of the municipality or part of the municipality to be charged with such cess, one month's notice of the intention of the municipal council to perform such cleansing and to levy such cess;

(g) the municipal council, in lieu of imposing separately any two or more of the taxes described in clauses (i), (viii), (ix) and (x), may impose a consolidated tax, assessed as a rate on buildings or lands, or both, situated within the municipality.

62. A municipal council before imposing a tax shall observe the following preliminary procedure:—

Procedure
preliminary
to imposing
tax.

(a) it shall, by resolution passed at a general meeting, select for the purpose one or other of the taxes specified in section 61 and prepare rules for the purposes of clause

(h) of section 46, prescribing the tax selected, and in such resolution and in such rules specify—

- (i) the classes of persons or of property or of both which the municipal council proposes to make liable, and any exemptions which it proposes to make ;
- (ii) the amount or rate at which the municipal council proposes to assess each such class ;
- (iii) in the case of a rate on buildings or lands or both the basis, for each class, of the valuation on which such rate is to be imposed ;
- (iv) all other matters which the Government may require to be specified therein.

(b) When such resolution has been passed, the municipal council shall publish the rules so prepared with a notice in the form of Schedule VII prefixed thereto.

(c) Any inhabitant of the municipality objecting to the imposition of the said tax or to the amount or rate, proposed or to the classes of persons or property to be made liable thereto or to any exemptions proposed, may within one month from the publication of the said notice, send his objection in writing to the municipal council ; the municipal council shall take all such objections into consideration, or shall authorise a committee to consider the same and report thereon ; and, unless it decides to abandon the proposed tax, shall submit such objections with its opinion thereon and any modifications proposed in accordance therewith, together with the notice and rules aforesaid to the Government.

Power to
sanction,
modify and
impose
conditions.

63. The Government may either refuse to sanction the rules submitted, or may return them to the municipal council for further consideration, or if no objection, or no objection which is in its opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

(a) without modification, or

(b) subject—

(i) to such modifications not involving an increase of the amount to be imposed, or,

(ii) to such conditions as to the application within the municipality to any purpose or purposes of this

Act specified in such conditions, of the whole or any part of the proceeds of such tax, as it deems fit.

64. All rules sanctioned under section 63 with all modifications subject to which the sanction is given, shall be published by the municipal council in the municipality for which they are prescribed, together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the municipal council in accordance with all conditions, if any, subject to which under section 63 the sanction was given:

Publication of sanctioned rules with notice.

Provided that—

(a) a tax leviable by the year—

(i) shall not come into force except on one of the following dates, *viz.*, the first day of April—the first day of July—the first day of October—the first day of January—in the official year in which such notice is published, and

(ii) if it comes into force on any day other than the first of April it shall be leviable by the quarter, till the first day of April then next ensuing,

(b) on or before the day on which a notice is issued under this section, the municipal council shall publish such further detailed rules as may be required, and as may have been approved by the Government under proviso (i) to section 46, prescribing the mode of levying and recovering the tax therein specified and the dates on which it or the instalments, if any, thereof, shall be payable,

(c) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

65. (1) The duty on transfers of immovable property shall be levied in the form of a surcharge on the duty imposed by the Mysore Stamp Act, 1900, on instruments

Duty on certain transfers of immovable property.

of sale, gift and mortgage of immovable property situated within the limits of the Municipality at a rate not exceeding one per centum on, as the case may be, the amount of the consideration, the value of the property or the amount secured by the mortgage, as set forth in the instrument :

Provided that no such duty shall be leviable in respect of mortgages where the amount secured by a mortgage does not exceed Rs. 1,000.

(2) On the introduction of the transfer duty—

(a) section 27 of the Mysore Stamp Act, 1900, shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without the municipality ;

(b) section 64 of the same Act shall be read as if it referred to the municipal council as well as the Government.

(3) The Government may make rules for regulating the collection of the duty, the payment thereof to the municipal council and the deduction of any expenses incurred by the Government in the collection thereof.

(4) No duty shall be chargeable in respect of any instrument executed by or on behalf of or in favour of the Government in cases where but for this exemption the Government would be liable to pay the transfer duty under this section in respect of such instruments.

Seizure and
sale of
vehicles not
bearing
numbers.

66. (1) If any direction for the numbering and registration of a vehicle contained in any bye-law made under clause (j) of sub-section (1) of section 48 is not observed in respect of any vehicle, then any authority empowered in this behalf by the municipal council may, at any time, seize and detain the vehicle or the animal, if any, by which it is drawn or both :

Provided that no vehicle other than a bicycle, tricycle or rikshaw shall be seized and detained when actually employed in the conveyance of any passenger or goods.

(2) If a vehicle or animal is detained under sub-section 1 and the owner or other person entitled thereto does not claim the same and pay the tax, if any, due thereon and other amounts due under sub-section (4) within ten days from the date of seizure, such authority as the municipal council may empower in this behalf may

direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of—

- (a) the tax, if any, due on the vehicle,
- (b) such penalty not exceeding the amount of the tax as the authority may direct, and
- (c) the charge incurred in connection with the seizure, detention and sale.

(3) If there is a surplus after such payment, the municipal council shall on demand made within six months from the date of sale make it over to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the municipal council.

(4) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of—

- (a) the tax due on the vehicle,
- (b) such penalty not exceeding the amount of the tax as the authority specified in sub-section (1) may direct, and
- (c) the charges incurred in connection with seizure and detention.

(2) *Assessment of and Liability to Taxes.*

67. (1) For assessing taxes imposed in the form of a rate on buildings or lands or both in each municipality, the Government shall appoint an assessor. Appointment of assessor.

(2) The municipal council shall afford all clerical and other necessary help to the assessor to discharge his duties under the Act and shall bear all expenditure incidental thereto.

68. (1) When a rate on buildings or lands or both is imposed, the assessor shall cause an assessment list of all buildings, or lands, or buildings and lands in the municipality to be prepared, containing— Preparation of an assessment list.

- (a) the name of the street or division in which the property is situated;
- (b) the designation of the property, either by name or by number, sufficient for identification;

- (c) the names of the owner and occupier, if known ;
- (d) the annual letting value or other valuation on which the property is assessed ; and
- (e) the amount of the tax assessed thereon.

Power to inspect.

(2) For the purpose of making such assessment as aforesaid, the assessor and any person appointed to assist him in his work may make an inspection of such property.

Returns to be furnished.

(3) On the requisition of the assessor, the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature—

- (a) as to the name and place of abode of the owner or occupier or of both ;
- (b) as to the dimensions of such building or land and the annual letting value or other valuation thereof.

Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.

69. (1) When the name of the person primarily liable for the payment of a rate on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment list, and in any notice which it may be necessary to serve upon the said person under this Act "the holder" of such premises without further description.

Occupier liable for a rate on buildings or lands or both until he gives information.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all rates on buildings or lands or both leviable on the premises of which he is in occupation.

Publication of notice of assessment list.

70. When the assessment list has been completed the assessor shall give public notice thereof, and of the place where the list or a copy thereof may be inspected ; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

71. (1) The assessor shall at the time of the publication of such assessment list give public notice of a time, not less than one month thereafter, when the revising authority will proceed to revise the valuation and assessment; and, in all cases in which any property is for the first time assessed or the assessment is increased, the assessor shall also give notice thereof to the owner or occupier of the property if known and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous place on the property.

Public notice of time fixed for revising assessment list.

(2) The revising authority to whom objections under sub-section (1) may be made shall be the municipal council or any committee to which the municipal council may delegate this function or an officer of the Government to whom with the permission of the Government the municipal council may delegate this function.

Revising authority.

(3) All objections to the valuation and assessment shall be made to the assessor before the time fixed in the notice, by application in writing stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the assessor for the purpose.

Objections how to be made.

(4) The revising authority shall after allowing the applicant an opportunity of being heard in person or by agent,—

Hearing of objections.

(a) investigate and dispose of the objections,

(b) cause the result thereof to be noted in the book kept under sub-section (3), and

(c) cause any amendment necessary in accordance with such result to be made in the assessment list.

(5) When all objections made under this section have been disposed of and all amendments required by sub-section (4) have been made in the assessment list, the said list shall be authenticated by the revising authority and sent to the commissioner for approval.

Authentication of list.

(6) The list so approved by the commissioner shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property specified therein, or to the agents of such persons and a notice that it is so open shall be forthwith published.

Custody and inspection of list.

Authenticated list
how far
conclusive.

(7) Subject—

- (a) to such alteration-as may thereafter be made therein under the provisions of the next following section, and
- (b) to the result of any appeal made under section 99, the entries in the list so authenticated and deposited shall be accepted as conclusive evidence—
- (i) for the purposes for all municipal taxes, of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and
- (ii) for the purposes of any tax imposed on buildings and lands, of the amount of each such tax leviable thereon throughout the official year to which such list relates.

Amendment
of assessment
list.

72. (1) The municipal council may at any time alter the assessment list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake, or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

Objections
how dealt
with.

(2) An objection made by any person interested in any such alteration, before the time fixed in such notice, and in the manner provided by sub-section (3) of section 68, shall be dealt with in all respects as if it were an application under the said section.

Effect of
amendment.

(3) An entry or alteration made under this section shall, subject to the provisions of section 98 have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other

cases on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed; and the tax or the enhanced tax, as the case may be, shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.

73. (1) It shall not be necessary to prepare a new assessment list every year. Subject to the condition that every part of the assessment list shall be completely revised not less than once in every four years, the assessor may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

New assessment list need not be prepared every year.

(2) But the provisions of sections 70, 71 and 72 shall be applicable every year as if a new assessment list had been completed at the commencement of the official year.

74. Every tax imposed in the form of a rate on buildings or lands or on both shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or lands, or holds them on a building or other lease from the Government or from the municipal council, or on a building lease from any person. Otherwise, the said tax shall be primarily leviable as follows, namely,—

Tax from whom primarily leviable.

- (a) if the property is let, from the lessor;
- (b) if the property is sublet, from the superior lessor;
- (c) if the property is unlet, from the person in whom the right to let the same vests:

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due, as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list, whichever of those two amounts is the greater:

Recovery from occupiers.

Provided further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this

Remedy of occupier in such case.

section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.

75. (1) Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings, or lands or both to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall give notice on such transfer in writing to the municipal council.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give notice of such transfer to the municipal council.

Form of notice.

76. (1) The notice to be given under the last preceding section shall be in the form either of Schedule VIII or Schedule IX, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the municipal council may, if it thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Mysore Registration Act, 1903.

Name of transferee to be substituted in the Municipal registers.

77. Whenever such transfer comes to the knowledge of the municipal council either through such notice or otherwise, and after such enquiry as may be prescribed, the name of the transferee shall be substituted in the municipal registers for that of the person primarily responsible.

Liability for payment of taxes on buildings or lands to continue in the absence of notice of transfer.

78. (1) Every person, primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands, who transfers his title to or over such premises without giving notice of such transfer to the municipal council as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all taxes from time to time payable in respect of the said premises, until he gives such notice, or until the transfer shall have been recorded in the registers of the municipal council.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the municipal council on the premises conferred by section 100, for the recovery of the taxes due thereupon.

79. (1) Where any building or land which is assessed to a rate based on the annual letting value and payable by the year or in respect of which a special sanitary cess is payable by the year, or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which the rate is leviable or throughout the period in respect of which any such instalment is payable, the municipal council may remit or refund not less than one half of the amount of the rate, or of the cess, or instalment of the cess, as the case may be:

Remission of tax in case of vacancies; when obligatory.

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the municipal council, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

When discretionary.

(2) When any such building or land as aforesaid—

(a) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(b) consists of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(c) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the municipal council may remit or refund such portion, if any, of the rate or cess or instalment as it may think equitable.

(3) The burden of providing the facts entitling any person to claim relief under this section shall be upon him.

Burden of proof on claimant.

(4) For the purpose of this section a building or land shall be deemed to be productive of rent if let to a tenant who has continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

Explanatory clause.

(3) *Power to charge Fees.*

Municipal council may charge fee for certain licences.

80. (1) When any licence is granted by the municipal council under this Act or when permission is given by it for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the municipal council, the municipal council may charge a fee for such licence or permission.

Levy of fees for unauthorised occupation or projection.

(2) The municipal council may charge a higher fee by way of penalty for any erection, or projection, or for the use or occupation of any public street or other land vested in the municipal council by any person without its permission or licence. Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provision of this Act or any other law for the time being in force. The rates of such higher fees shall be determined by rules.

Market and other fees.

(3) The municipal council may also charge such fees as may be fixed by bye-laws under clause (a) of sub-section (1) of section 48, for the use of any such places mentioned in that sub-section, as belong to the municipal council.

Farming of fees.

(4) It shall be lawful for the municipal council to lease the levy of any fee that may be imposed under sub-section (3) by public auction or private contract.

Power of lessee to expel persons who refuse to pay fees.

(5) When any fee has been leased under sub-section (4), any person employed by the lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it.

(4) *Special Provisions relating to certain Taxes.*

Composition of toll.

81. (1) The municipal council may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid monthly, quarterly, or half-yearly in advance in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle within the limits of the municipality.

Recovery of sums claimed under this section.

(2) Every sum claimed by the municipal council as a lumpsum payable under sub-section (1) shall for the purposes of Chapter VIII be deemed to be, and shall be

recoverable in the same manner as, an amount claimed on account of any tax recoverable under the said chapter.

82. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax, leviable by a municipal council, is unfair in its incidence or that the levy thereof or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if, within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the *Mysore Gazette*, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

Power of Government to suspend or prohibit levy of objectionable taxes.

The Government may, at any time, by a like notification, rescind any such suspension.

83. Whenever it appears to the Government that the balance of the municipal fund of any municipal council is insufficient for meeting the expenditure incurred under section 200 or under section 202 the Government may by notification require the municipal council to impose, within the municipality, any such tax specified in the notification as may be imposed under section 60 if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the Government considers fit, and the municipal council shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this chapter, as if a resolution of the municipal council had been passed for the purpose under section 62.

Power of Government to require municipal council to impose taxes.

Provided that—

(a) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may take against the imposition or enhancement of such tax ;

(b) it shall not be lawful for the municipal council to abandon or modify or to abolish such tax when imposed, and

(c) the Government may at any time cancel or modify any requisition made by it under this section, and the levy of the tax or the enhancement, except as to arrears

therefore accrued due, shall thereupon cease or be modified accordingly.

(5) *Octroi and Tolls.*

Octroi
bye-laws to be
submitted
with proposal
for imposition
of octroi.

84. Every municipal council when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for approval a draft of bye-laws for the purposes of clause (k) of sub-section (1) of section 48, after observing the requirements of sub-sections (2), (3) and (4) of that section.

Power to
examine
articles liable
to octroi.

85. (1) Every person bringing into, or receiving from beyond, the octroi limits of a municipality any article on which octroi is payable shall, when required by an officer authorised in this behalf by the municipal council and so far as may be necessary for ascertaining the amount of tax chargeable,

(a) permit that officer to inspect, examine and weigh and otherwise deal with the article, and

(b) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article.

Power to
search where
octroi is
leviable.

(2) If any person bringing into, or receiving from beyond the octroi limits of a municipality in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorised by the municipal council in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a magistrate or the president or such officer of the municipal council as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Presentation
of Bills for
octroi.

86. (1) Every officer demanding octroi by the authority of the municipal council shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

(2) If goods passing into a municipality are liable to the payment of octroi, then every person who with the intention to defraud the municipal council, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said municipality, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall on conviction by a magistrate be punishable with fine which may extend to ten times the value of such octroi or to two hundred rupees whichever may be greater, or with simple imprisonment which may extend to one month.

Penalty for evasion of octroi.

87. (i) Any person—

(a) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(b) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained,

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the articles so sold or kept for sale, or possessed or one hundred rupees, whichever may be greater, and

(ii) Any officer of the municipal council authorised by the municipal council in this behalf, if he has reason to believe that any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a Magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.

Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any article liable to octroi and for the sale of which a licence is required to be obtained, if the value of such article does not exceed two hundred rupees and if it is

kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

(iii) The provisions of the Code of Criminal Procedure, 1904, shall so far as may be, apply to all searches and arrests effected under this section.

Tables of tolls to be shown, on demand.

88. Every municipal council imposing any toll under this Act shall cause to be kept at each place, where such toll is to be collected a table in Kannada showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments, and it shall be the duty of every person authorised to demand payment of a toll, to show such table, on the request of any person on whom such demand is made.

Power to seize vehicle on non-payment of octroi or toll.

89. (1) In the case of non-payment on demand of any octroi or of any toll leviable by a municipal council, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle on which the toll is chargeable, or any part of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, or article seized a list of the property together with a written notice in the form of Schedule XII.

Notice of sale.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

Release of property on payment.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred, and of the octroi or toll payable, the municipal council shall forthwith release the property seized.

Sale.

(4) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in

payment of such octroi or toll and the expenses incidental to the seizure, detention and sale.

(5) The surplus, if any, of the sale proceeds shall be credited to the municipal fund, and may, on application made to the municipal council in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the municipal council.

Surplus, how dealt with.

90. The municipal council, if it thinks fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipality, may at any time direct that an account current shall be kept on behalf of the municipal council of the octroi so due from any such firm or body as the municipal council specifies in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the municipal council or any committee or officer authorised by it in this behalf, shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall, for the purposes of Chapter VIII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter.

Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

91. (1) It shall be lawful for the municipal council to lease annually the levy of any toll that may be imposed under this Act by public auction or private contract.

Farming of tolls.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 86: provided that no article distrained may be sold except under the orders of the municipal council.

CHAPTER VIII.

RECOVERY OF MUNICIPAL CLAIMS.

Presentation
of bill for
taxes.

92. (1) When any amount—

- (a) which, by or under any provisions of this Act is declared to be recoverable in the manner provided by this chapter, or
- (b) which not being leviable under sub-section (1) of section 89, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which is now imposed or hereafter may be imposed in any municipality,

shall have become due, the municipal council shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

Contents of
bills.

(2) Every such bill shall specify—

- (a) the period for which, and
- (b) the property, occupation or thing in respect of which,

the sum is claimed, and shall also give notice of—

- (i) the liability incurred in default of payment, and of
- (ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

If bill not
paid within
fifteen days,
notice of
demand to
issue.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorised by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the municipal council may cause to be served upon the persons to whom such bill has been presented a notice of demand in the form of Schedule X, or to the like effect.

In what cases
warrant may
issue.

93. (1) If the person on whom a notice of demand has been served under sub-section (3) of section 92, does not, within fifteen days from the service of such notice of demand, either—

- (a) pay the sum demanded in the notice, or

(b) show cause to the satisfaction of the municipal council, or of such officer as the municipal council by rule may appoint in this behalf, or of the executive officer, if any, why he should not pay the same, or

(c) prefer an appeal in accordance with the provisions of section 99 against the demand,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the municipal council in the form of Schedule XI or to the like effect, by distress and sale of the moveable property of the defaulter.

(2) Every warrant issued under this section shall be signed by the President of the municipal council causing the same to be issued, or by the executive officer, if any.

Warrant by whom to be signed.

(3) Where the property is in the area under the control of the municipal council, the warrant shall be addressed to an officer of the municipal council. Where the property is in another municipality constituted under this Act or the City of Bangalore Municipal Corporation Act, 1949, or the Mysore City Municipalities Act, 1933 or in a place which is not a municipality constituted under the aforesaid Act the warrant shall be addressed to the Mayor or President of the municipal council concerned, or to the Amildar of the taluk as the case may be: provided that such President or Amildar may endorse such warrant to a subordinate officer.

To whom the warrant should be addressed.

(4) It shall be lawful, for any officer to whom a warrant issued under sub-section (2) is addressed or endorsed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance:

Power of entry under special order.

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intention, and has given such women an opportunity to remove.

Warrant how
to be
executed.

(5) It shall also be lawful for any such officer, if authorised by the warrant, to distrain, wherever it may be found, any moveable property of the person named in the warrant issued under sub-section (1), as defaulter, subject to the following conditions, exception and exemptions, namely, —

(a) The following property shall not be distrained—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(b) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under sub-section (2) to sign a warrant or of the person to whom the warrant was addressed, should not have been so distrained they shall forthwith be returned.

(c) The officer shall on distraining the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of distraint, a written notice in the form of Schedule XII.

Sale of goods
distrained in
special case.

94. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Sale of
property
distrained ;
application
of proceeds
of sale.

(2) If not sold at once under sub-section (1), the property distrained or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant and distress and detention of the property, is paid, be, on the expiry of the time

specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the municipal council, and proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint but if the same be claimed by written application to the municipal council within one year from the date of the notice given under this sub-section, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the municipal council.

Surplus, if any, how dealt with.

95. Where the warrant is addressed outside the municipality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis*. Such officer shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the authority by whom it was issued, who shall dispose of the same in accordance with the provisions of section 91.

D distraint and sale outside the municipality.

96. (1) If, for any reason, the distraint or a sufficient distraint of the defaulter's property under the foregoing provisions of this chapter is impracticable, the municipal council may prosecute the defaulter before a magistrate:

Procedure when distraint is impracticable.

Provided that an occupier of a building or land, in respect of which any tax remains unpaid, in whole or in part, shall not be liable to prosecution in respect of any sum recoverable from him unless he has wilfully prevented distraint or a sufficient distraint of moveable property found on the building or land.

(2) Every person who is prosecuted under sub-section (1) shall be liable on proof, to the satisfaction of the magistrate, that he wilfully omitted to pay the amount

due by him, to pay a fine not exceeding twice the amount which may be due by him on account of—

(a) the tax and warrant fee, if any, and

(b) if the distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained.

(3) Whenever any person is convicted of an offence under sub-section (2), the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the municipal council the amounts, if any, due under the heads specified in clauses (a) and (b) of sub-section (2) and may in his discretion also recover summarily and pay to the municipal council such amount, if any, as he may fix as the cost of the prosecution.

Summary proceedings may be taken against persons about to leave the municipality.

97. (1) If the municipal council shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this chapter is due or is about to become due, is about to remove from the municipal area, the municipal council may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the moveable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand and the municipal council's warrant for distress and sale may be issued and executed without any delay.

Fees and costs chargeable.

98. Fees for—

(a) every notice issued under sub-section (3) of section 92,

(b) every distress made under sub-section (5) of section 93, and

(c) the costs of maintaining any live-stock seized under the said sub-section, shall be chargeable at the rates, respectively, specified in such behalf in the rules of municipal council, and shall be included in the costs of recovery to be levied under section 94.

99. (1) Appeals against any notice of demand issued under sub-section (3) of section 92, may be made to any magistrate by whom, under the directions of the Government or of the District Magistrate such class of cases is to be tried.

Appeal to
magistrates.

But no such appeal shall be heard and determined unless—

(a) the appeal is brought within one month next after service of the notice of demand complained of; and

(b) an application in writing, stating the grounds, on which the claim is disputed, has been made as follows, that is to say:

(i) in the case of a rate on buildings or lands, to the assessor or the municipal council, as the case may be, within the time fixed in the notice given under section 71 or 72 of the assessment or alteration thereof, according to which the bill is prepared,

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 92, to the municipal council within fifteen days next after the presentation of such bill, and

(c) the amount claimed from the appellant has been deposited by him in the municipal office.

(2) The decision of the magistrate or bench of magistrates upon any appeal, shall at the instance of either party, be subject to revision by the court to which appeals from his or their decisions ordinarily lie.

Revision of
decisions on
appeal.

(3) Effect shall be given by the municipal council to every decision of the said magistrate or bench of magistrates on any appeal or any decision in revision on such appeal.

100. All sums due on account of any tax imposed in the form of a rate on lands or buildings, or on both, mentioned in section 74, shall subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land, in respect of which such tax is leviable, and upon the moveable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes and shall be recoverable as arrears of land revenues:

Liability of
land, build-
ings, etc., or
rates.

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than three years or for a period during which such occupier was not in occupation.

Suspension of
power to
recover by
distress and
sale.

101. The Government may at any time by notification suspend the operation of sections 93 and 94, in any municipality, and from such date as shall be fixed in this behalf in the notification, every amount due on account of any tax theretofore recoverable under the said sections, shall be recoverable on application to a magistrate, in the manner provided in sub-section (2) of section 174 for the recovery of such fines as are therein referred to, and not otherwise.

Receipts to
be given for
all payments.

102. For all sums paid on account of any tax under this Act, a receipt stating the amount, and the tax on account of which it has been paid shall be tendered by the person receiving the same.

CHAPTER IX. 184

MUNICIPAL POWERS AND OFFENCES.

(1) *Powers in respect of streets.*

103. (1) It shall be lawful for the municipal council to lay out and make new public streets; and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or stop up any such streets, and subject to the provisions of sub-section (2) of section 38, to lease or sell any such land theretofore used or acquired by the municipal council for the purposes of such streets, as may not be required for any public street or for any other purposes of this Act.

Power
regarding
street, etc.

(2) In laying out or making or in turning, diverting, widening, opening, enlarging, or otherwise improving any public street, in addition to the land required for the carriage-way and foot-way and drains thereof, the municipal council may purchase the land necessary for the houses and buildings to form the said street, and subject to the provision contained in sub-section (2) of section 38, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

104. The municipal council may, by an order in writing, temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes of this Act:

Temporary
closure of
streets.

Provided that such work shall be completed and such street re-open to traffic with all reasonable speed.

105. (1) It shall be lawful for the municipal council to prescribe with the sanction of the Government a line on either side or both sides of any public street within the municipality and the municipal council may from time to time prescribe a fresh line in substitution of any line so prescribed, or for any part thereof:

The regular
line of public
street.

Provided that—

(a) at least one month previous to prescribing such line or such fresh line; as the case may be, the municipal council shall notify the same in the *Mysore Gazette* and shall give public notice of it and it shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment;

(b) the municipal council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the municipal council within such time as it may specify in such public or special notice; and

(c) the municipal council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.

(2) The line for the time being so prescribed shall be called the 'regular line of the public street.'

(3) (a) Except under the provisions of section 126 no person shall construct or reconstruct any portion of any building, within the regular line of the Public street without the permission of the municipal council under section 109.

(b) Where the municipal council refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall thenceforth be acquired by the municipal council and deemed part of the public street.

(c) Compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 172, shall be paid by the municipal council to the owner of any land acquired by the municipal council under clause (b) of sub-section (3) for the value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the municipal council under the said clause (b).

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to two hundred rupees; and the municipal council may—

(a) direct that the building be stopped, and

(b) by a written notice, require such building or portion thereof to be altered or demolished as it may deem necessary.

(2) *Powers to regulate buildings, etc.*

106. (1) If any part of a building projects beyond the regular line of a public street as prescribed under section 105, or beyond the front of the building on either side thereof, the municipal council may, Setting back projecting buildings.

(a) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(b) if the projecting part is not such external structure as aforesaid, then whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burnt down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the municipal council.

(2) If any land, not vested in the municipal council, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the municipal council, after giving the owner of the land not less than fifteen clear days, written notice of its intention, or if the land is vested in the Government, then with the permission in writing of the Deputy Commissioner, may take possession of the said land with its enclosing wall, hedge or fence, if any, and if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the municipal council. Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.

Compensation payable by the municipal council.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 172 shall be paid by the municipal council to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipal council under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 131 applies.

(4) When the amount of compensation has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 131, the municipal council may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and, if necessary, may clear the same.

Setting forward to regular line of street.

107. The municipal council may, upon such terms as it thinks fit, allow any building to set forward for improving the line of any public street in which such building is situated.

Buildings at corner of streets.

108. (1) The municipal council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent or otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired, the municipal council shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

Roofs and external walls of buildings not to be made of inflammable materials.

109. (1) The external roofs and walls of buildings erected or renewed after the coming into force of this Act shall not be made of grass, wood, cloth, canvas, leaves, mats, or other inflammable materials, except with the written consent of the municipal council, which may be given either specially in individual cases, or generally in respect of any area specified therein.

(2) The municipal council may at any time, by written notice, require the owner of any building which has an external roof or wall made of any such materials as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the time at which this Act came into force, and whether it was made with or without the consent of the municipal council.

Power to require removal of roof and wall if inflammable.

(3) Whoever without such consent as is required by sub-section (1) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such materials as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which offence is continued after the date of the first conviction.

Penalty.

110. No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipal council, or into some stream or river, or some cesspool or other suitable place which may be approved of by the municipal council.

Level of building.

111. The municipal council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building.

Rat-proof building for warehouse for storing grain.

112. (1) Before beginning to construct any building, or to alter externally or add to any existing building, or to construct or reconstruct any projecting portion of a building in respect of which the municipal council is empowered by section 106 to enforce a removal or set back, or to construct or reconstruct which the municipal council is empowered by section 105 to give permission, the person intending so to construct, alter, add or reconstruct shall give to the municipal council notice thereof in writing and shall furnish to it at the same time, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the municipal council, and all

Notice of new buildings.

information required by the bye-laws or demanded by the municipal council regarding the limits, dimension, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets, and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used.

* * * *

Power of
municipal
council to
pass orders.

(2) Save as otherwise provided in this Act, or the rules and bye-laws thereunder, the municipal council may —

(a) either give permission to construct, alter, add or reconstruct according to the plan and information furnished, or

(b) impose in writing conditions, in accordance with this Act and the rules and bye-laws made thereunder, as to level, drainage, sanitation, design, materials or to the dimensions and cubical contents of rooms, doors, windows, and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any existing building or street, existing or projected, or the purpose for which the building is to be used, or

(c) direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction, or

(d) refuse permission to construct, alter, add or reconstruct according to the plan and information furnished in case the Municipal Council is satisfied that the person so applying has no right to the land in question or has no right to construct, alter, add or reconstruct.

Provided that the direction in clause (c) shall not be in force after one year from the date on which the direction is given.

Or to suspend
the work or
to require
further
particulars.

(3) Before issuing any orders under sub-section (2), the municipal council may, within one month from the receipt of such notice, either issue,

(a) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(b) may demand further particulars.

Right to
proceed in
certain cases.

(4) A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice, as is not inconsistent with any provision of this Act or of any bye-law for the time being in force thereunder in the following cases, that is to say :—

(a) in case the municipal council, within one month from the receipt of the notice given under sub-section (1), has neither—

(i) passed orders under sub-section (2), and served notice thereof in respect of the intended work; nor

(ii) issued under sub-section (3), any provisional order or any demand for further particulars;

(b) in case the municipal council having issued such demand for, and having received in accordance with the bye-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars.

(5) No person who becomes entitled under sub-section (2) or sub-section (4) to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (4).

(6) If any person begins or makes any building or alteration or addition without giving the notice required by sub-section (1), or without furnishing the plan or affording the information above prescribed, or except as provided in sub-section (4), without awaiting, or in any manner contrary to, such * * orders of the municipal council as may be issued under this section or contrary to the provisions of sub-section (4) or (5) or in any other respect contrary to the provisions of this Act or of any bye-law in force thereunder,

(i) the municipal council may, whether any action is taken or not against such persons under clause (ii) of this section,

(a) direct that the building, alteration or addition be stopped, and,

- (b) by written notice, require such building, alteration or addition to be altered or demolished as it may deem necessary ;
- (ii) such person shall be punishable with fine which may extend to five hundred rupees or with simple imprisonment which may extend to one month or with both.

(7) The municipal council or any officer deputed by it may at any time inspect the erection of any building without giving notice of its or his intention to do so, and at any time during the erection of a building or the execution of any such work as aforesaid, may by written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Act or of any bye-law made under this Act at the time in force, and require the person erecting or executing, or who has erected or executed such building or work, or if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work to cause anything done contrary to any such provision or bye-law to be amended, or to do anything which by any such provision or bye-law he may be required to do but which has been omitted.

Explanation.—The expression “to erect a building” throughout this chapter includes—

- (a) any material alteration, enlargement or reconstruction of any building,
- (b) the conversion into a place as human habitation of any building not originally constructed for human habitation,
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place,
- (d) the conversion of two or more places of human habitation into a greater number of such places,
- (e) such alterations of the internal arrangements of a building as effect its drainage, ventilation or other sanitary arrangements, or its security or stability, and
- (f) the addition of any rooms, buildings or other structures to any building.

And a building so altered, enlarged, re-constructed, converted, or added to, shall, for the purpose of this chapter be deemed to be a new building:

113. (1) Notwithstanding anything contained in section 118, the Government may in the public interest and after consulting the municipal council prohibit by notification published in the *Mysore Gazette* the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf:

Power of Government to prohibit the erection of buildings in certain area without permission.

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall on conviction before a magistrate be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2).

114. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Act comes into operation, without giving previous notice to the municipal council, and the municipal council may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the municipal council may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to it may seem necessary. If any hut or shed or range or block be built without giving such notice to the municipal council, or otherwise than as required by the municipal council, the

Regulation of huts.

municipal council may give written notice to the owner or builder thereof or to the owner or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the municipal council may think fit.

Improvement
of huts.

115. (1) Whenever the President is of opinion that any huts or sheds, whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Act comes into operation, or subsequently erected, are by reason—

(a) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(b) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(c) of the impracticability of scavenging,

attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the President for that purpose, to take down and remove such hut or shed; or to execute such operations as the President may deem necessary for the avoidance of such risk. Any person aggrieved by an order of the President under this sub-section may apply to the Municipal Council to cancel, amend or revise such order and the Municipal Council may, on such application cancel, amend or otherwise revise the order of the President.

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the President may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as it may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the President, the President shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the President until the person interested therein shall obtain the order of a competent Court for the payment of the same:

Provided always that in case any huts or sheds, existing at the time when the land on which they are situate first became part of a municipality, should be pulled down under this section by order of the President or in pursuance of its notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 172.

(3) *Powers connected with drainage, water works, etc.*

116. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall be under the survey and control of the municipal council.

Municipal
control over
drains, etc.

(2) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the municipal council or other person to whom they severally belong, with proper traps, or other coverings or means of ventilation, and the municipal council may, by written notice, call upon the owner of any such covered sewers, drains or cesspools to make provision accordingly.

117. (1) In order to carry out any drainage scheme, it shall be lawful for a municipal council to carry any drain; sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any street or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipality.

Powers for
making
drains.

(2) The municipal council, or any officer appointed by it for such purpose, may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the municipal council has been already constructed, or may repair or alter any drain vested in the municipal council.

(3) In the exercise of any power under this section, no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 172 shall be paid by the municipal council to any person who sustains damage by the exercise of such power.

Sufficient
drainage of
houses.

118. (1) If any building or land be at any time undrained, or not drained to the satisfaction of the municipal council, the municipal council may by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into—

(a) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(b) a covered cesspool to be provided by such owner.

New build-
ings not to
be erected
without
drains.

(2) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

(a) a drain be constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the municipal council to be necessary for the effectual drainage of such building;

(b) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the municipal council to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the municipal council directs.

Power of
owners and
occupiers of
buildings or
lands to drain
into municip-
al drains.

119. The owner or occupier of any building or land within the municipality shall be entitled to cause his drain to empty into sewers of the municipal council, provided that he first obtains the written permission of the municipal council, and that he complies with such conditions as the municipal council prescribes as to the mode in which the superintendence under which the communications are to be made between drains not vested in the municipal council and drains which are so vested.

120. (1) In case the municipal council shall be of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any building or land; or shifted or removed from any building or land or, in any municipality in which a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the municipal council may by written notice call upon the owner of such building or land to provide such privies, cesspools or water-closets as the municipal council may deem proper.

Provision of
privies, etc.

(2) The municipal council may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the municipal council may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The municipal council may by written notice require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as it may direct any privy door or trap door which opens on to any street, and which it deems to be a nuisance.

121. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall, unless constructed at the cost of the municipal council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the municipal council may by written notice require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

Cost of alter-
ing, repairing
and keeping
in proper
order privies,
etc.

(2) The municipal council may by written notice require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Act, which in the opinion of the municipal council is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

Power in respect of sewers, etc., unauthorisedly constructed, rebuilt or unstopped.

122. The municipal council may by written notice require that any sewer, drain, privy, water-closet, house-gully or cesspool on any land within municipal limits, constructed, or rebuilt or unstopped—

(a) after such land became part of a municipality, and

(b) either without the consent or contrary to the orders, directions or general regulation or bye-laws of the municipal council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, rebuilt or unstopped, and every person so constructing, rebuilding or unstopping, any such sewer, drain, privy, water-closet, house-gully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith shall in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

Encroachment on municipal drains, etc.

123. (1) Whoever, without the written consent of the municipal council first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the municipal council, shall be punished with fine which may extend to twenty-five rupees, and the municipal council may by written notice require such person to demolish, alter, re-make or otherwise deal with such drain as it may think fit.

(2) No building shall be newly erected or rebuilt over any sewer, drain, culvert or gutter vested in the municipal council without the written consent of the municipal council, and the municipal council may by written notice require the person who may have erected or rebuilt such building to pull down or otherwise deal with the same as it may think fit.

Inspection of drains, etc.

124. The municipal council or any officer appointed by it for such purposes may, subject to the restrictions of this Act, inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or it may think fit, doing as little damage as may be.

125. The water supply department of the Government or the municipal council, as the case may be, in whom the duty of construction and maintenance of water works for supply of water to the municipality vests, shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water mains, pipes and ducts within or without the municipality as the municipal council has and is subject to, under the provisions hereinbefore contained for carrying, renewing and repairing drains within the municipality.

Power of carrying water mains, etc.

(4) *Powers regarding external structures, etc.*

126. (1) The municipal council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix by bye-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to which and the conditions under which roofs eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

Permission necessary for certain projections.

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

(3) The municipal council may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which

Removal of projections.

(a) overhangs or juts into or in any way projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(b) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof:

Provided always that the municipal council shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the municipal council make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section 172.

Troughs and
pipes for rain
water.

127. The municipal council may, by written notice, require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as it may think fit, so that it shall not fall upon the persons passing along the street or cause damage to the street.

Fixing of
brackets, etc.,
to houses.

128. The municipal council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or subject to the provisions of any law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telephonic wires, or for the conduct of electricity for locomotive or other purposes, or such pipes as it may deem necessary for the proper ventilation of sewers and water-works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood.

Naming
streets and
numbering
houses.

129. (1) The municipal council may, from time to time, cause to be put up or painted on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may from time to time fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street.

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the municipal council and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

130. The municipal council may, by written notice, require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger or obstruct or which it deems likely to overhang, endanger or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well or other provision for water-supply as to pollute or be likely to pollute the water thereof.

Removal and trimming of hedges, trees, etc.

(5) *Powers for promotion of public health, safety and convenience.*

131. (1) If any building, or any thing affixed thereon, be deemed by the municipal council to be in a ruinous state or likely to fall, or in any other way dangerous to any inhabitant of such building, or of any neighbouring building, or to any occupier thereof, or to passengers, the municipal council shall immediately, if it appears to it to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers; all expenses incurred by the municipal council under this sub-section shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Ruinous or dangerous buildings.

(2) The municipal council shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier does not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the municipal

Action to be taken on default by owner or occupier.

council shall cause all or so much of such building or thing, as it shall think necessary, to be taken down, repaired, or otherwise secured :

Proviso if
danger is not
imminent.

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the municipal council, instead of itself causing a hoarding or fence to be put up, to issue in the first instance a notice in writing to the owner or occupier to put up a proper hoarding or fence; and in the event of the owner or occupier failing to put up, within two days from the service of such notice, a hoarding or fence which the municipal council considers sufficient in the circumstances of the case, the municipal council shall at once cause such hoarding or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2).

Powers and
duties with
regard to
dangerous,
stagnant or
insanitary
sources of
water-supply.

132. (1) The municipal council may at any time by written notice require that the owner of or any person who has the control over, any well, stream, channel, tank or other source of water-supply shall, whether it is private property or not,

(a) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(b) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(c) in such manner as the municipal council prescribes, protect any such source of water-supply from pollution by surface drainage, or

(d) within twenty-four hours of such notice, repair, protect or enclose in such manner as the municipal council approves, any such source of water-supply, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water-supply is in the opinion of the municipal council dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or

(e) desist from using and from permitting others to use for drinking purposes any such source of water-supply which not being a stream in its

natural flow, is proved to the satisfaction of the municipal council to be unfit for drinking; or

(f) if notwithstanding any such notice under clause (e) such use continues and cannot, in the opinion of the municipal council, be otherwise prevented, close either temporarily, or permanently, or fill up or enclose or fence in such manner as the municipal council considers sufficient to prevent such use, such source of water-supply as aforesaid; or

(g) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the municipal council considers is injurious to health or offensive to the neighbourhood.

(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of subsection (1), the municipal council may, and if in its opinion immediate action is necessary to protect the health or safety of any person shall, at once proceed to execute the work required by such notice, and all the expenses incurred therein by the municipal council shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII:

Remedy for non-compliance with direction issued.

Provided that in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the municipal council or necessarily incurred by such owner or person having such control may, if the municipal council so directs, be paid from the municipal fund.

133. (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags, or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the municipal council or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Displacing pavements, etc.

Penalty for failure to replace after notice.

(2) Any person who having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, fails to replace or restore the same to the satisfaction of the municipal council after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Obstruction and encroachments upon public streets and open spaces.

134. (1) Whoever in any place after it has become a municipality shall have built or set up, or shall build or set up, any wall or any fence, rail post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction except steps over drains in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees.

(2) The municipal council shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space be vested in the Government the permission of the Deputy Commissioner shall have first been obtained, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand, or other material from, or makes any encroachment in or upon, any open space which is not private property shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees

for every day on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the municipal council from allowing any temporary occupation of or erection in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days, and in such manner as not to inconvenience the public or any individual.

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 126, or in any case where permission has been given under sub-section (4) of this section.

135. (1) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as that the work is likely to cause or may cause obstruction, danger or inconvenience in any street, shall before beginning such work—

Hoardings to be set up during repairs, etc.

(a) first obtain a licence in writing from the municipal council so to do, and

(b) cause sufficient hoardings or fences to be put up in order to separate the building where such works are being carried on from the street, and shall maintain such hoarding or fence standing and in good condition to the satisfaction of the municipal council during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the municipal council.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

136. (1) The municipal council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in it, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains

Fencing and lighting during repairs, etc.

or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts, or other vehicles or of cattle or horses, while such works are carried on, as to it shall seem proper; and the municipal council shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night.

(2) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the municipal council, shall be punished with fine which may extend to fifty rupees.

Timber not to be deposited or hole made in a street without permission.

137. (1) No person shall, without, the written permission of the municipal council or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other material that has been, or is intended to be, used for building; and such permission shall be terminable at the discretion of the municipal council; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the municipal council, and shall cause the same to be sufficiently lighted during the night.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues after the date of the first conviction.

Provision as to dogs.

138. (1) The municipal council may, by public notice require that every dog while in the streets and not being led by some person shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

(2) Subject to the provisions of sub-section (3) the municipal council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has provided

a proper muzzle for it and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for three clear days: provided that any dog, which is found to be rabid may be destroyed at any time.

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of three clear days.

(5) All expenses incurred by the municipal council under this section may be recovered from the owner of any dog which has been taken possession of or detained in the manner provided by Chapter VIII.

(6) *Powers for the prevention of nuisance.*

139. (1) Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse or filth of any kind, or any animal matter or any broken glass or earthenware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a street or in any drain beside a street or on any open space or on the bank of any river, water-course or nallah, except at such places, in such manner, and at such hours as shall be fixed by the municipal council, and whoever commits or suffers any member of his family to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees. Depositing dust, etc.

(2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put any of the matter above described or, except with the permission of the municipal council, any night soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

Discharging
sewage, etc.

140. Whoever causes or allows the water of any sink or sewer or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the municipal council or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.

Non-removal
of filth, etc.

141. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction.

Filthy build-
ings, etc.

142. (1) Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state or in the opinion of the municipal council a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the municipal council to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction.

(2) Should the state of the building be such as in the judgment of the municipal council to render it unfit

for human habitation, it may further, by written notice prohibit the using thereof for that purpose until it is so rendered fit.

143. It shall be lawful for the president, vice-president, or any councillor or officer authorised by the municipal council in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands and by written notice to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons.

Power to enter and inspect, etc., buildings.

144. (1) If in the opinion of the municipal council—

Abatement of nuisances from wells, etc.

(a) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course, or any collection of water, or

(b) any cistern or other receptacle for water whether within or outside a building, or

(c) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling house,

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the municipal council may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with such materials as the municipal council shall prescribe or to take such order with the same for removing or abating the nuisance as the municipal council shall prescribe.

(2) (a) No new tank or pond shall be dug or constructed without the previous permission in writing of the municipal council.

(b) If any such work is begun or completed without such permission, the municipal council may either—

(i) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the municipal council shall prescribe; or

(ii) grant written permission to retain such work; but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (a) of this sub-section.

Regulation or
prohibition of
certain kinds
of cultivation.

145. The municipal council on the report of the Director of Public Health, the health officer, or the local medical officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipality is injurious to the public health may, with the previous sanction of the Government, by public notice, regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious!

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by absolute prohibition.

Using offen-
sive manure,
etc.

146. Whoever, except with the written permission of the municipal council, and in the way, if any, enjoined in such permission, stores or uses nightsoil or other manure or substance emitting an offensive smell shall be punished with fine which may extend to twenty-five rupees.

Tethering
cattle, etc.

147. (1) Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees.

Keeping
swine.

(2) Whoever keeps any swine so as to be a nuisance shall be punished with fine which may extend to ten rupees.

Feeding
animals on
filth.

148. Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable refuse, filth, or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees.

Licences to
be taken for
burning
bricks.

149. (1) No place within municipal limits shall be used for burning bricks without a licence from the municipal

council and except in accordance with the conditions specified therein.

(2) The municipal council may by an order and under such restrictions as it thinks fit, grant or refuse to grant such licence.

(3) Every such licence shall expire on such date as may be specified therein.

(7) *Regulation of markets, sale of food, etc.*

150. (1) It shall be lawful for the municipal council to direct that no place not belonging to or vested in the municipal council shall be used for any of the purposes specified in sub-clauses (i), (ii), (iv) and (v) of clause (b) of sub-section (1) of section 48 except under and in accordance with the conditions, of a licence from the municipal council which may at its discretion from time to time grant, suspend, withhold or withdraw such licences either generally or in individual cases.

Licensing
markets,
slaughter-
houses and
certain
businesses.

(2) The municipal council may, having regard to the local conditions of the municipality, fix the number and category of places which may be used for the purposes specified in sub-clause (iv) of clause (b) of sub-section (1) of section 48, and direct the closure of such places, as may be specified by it, used for the said purposes, in excess of those fixed by it :

Provided that no place shall be directed to be closed except after notice of not less than thirty days.

(3) Whoever uses or permits the use of any place contrary to the direction, or without the licence required by sub-section (1), or in contravention of any of the conditions or during the suspension or contrary to a direction under sub-section (2) directing the closure of the place, shall be punished with fine which may extend to twenty-five rupees.

(4) Upon a conviction being obtained in respect of any place under sub-section (3) of this section, the magistrate shall, on the application of the municipal council but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used ; and every person who so uses or permits the use of a place after it has been so ordered to be closed,

shall be punished with fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

Opening,
closing and
letting of
markets and
slaughter-
houses.

151. (1) The municipal council may from time to time open or close any public market or slaughter-house. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughter-house, and levy fees on any animal slaughtered in any slaughter-house, for purposes of consumption.

(2) Any person who, without the permission or licence of the municipal council, shall sell or expose for sale any article in the said markets, or use the said slaughter-houses, shall be punished with fine which may extend to twenty-five rupees.

(3) It shall be lawful for the municipal council to lease for a period not exceeding one year at a time by public auction or private contract the collecting of any rent or fees which may be imposed under sub-section (1).

Slaughter-
houses, etc.,
beyond muni-
cipal limits.

152. It shall be lawful for the municipal council with the sanction of the Deputy Commissioner, to establish slaughter-houses, or places for the disposal of carcasses of animals, beyond the limits of the municipality, and all provisions of this Act and of bye-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits.

Registry for
shops for sale
of European
drugs.

153. (1) No shop or place shall be kept for the retail sale of drugs recognised by the British Pharmacopœia, not being also articles of ordinary domestic consumption, unless the same is registered in the office of the municipal council within two months after the commencement of this Act or if the shop or place is established after the commencement of this Act then, within two months from the date of its establishment. Any keeper of such shop or place failing to so register the same shall be liable to a fine not exceeding one hundred rupees. The municipal council shall, upon payment of such fees as may be

prescribed in this behalf, register such shop or place in a book kept for the purpose and grant the keeper of the shop or place a licence which shall be displayed in some conspicuous part of the premises registered.

(2) No person shall compound, mix, prepare, dispense or shall any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with the duties prescribed in this behalf; and every such person shall be bound to produce his certificate for inspection when required to do so by a magistrate, a medical officer not below the rank of an assistant surgeon or the health officer of the municipality.

Certificated
dispensers.

154. (1) Whoever, within a municipality, not being the holder of such certificate as is mentioned in sub-section (2) of section 153, shall compound, mix, prepare or shall any drugs, shall, on conviction before a magistrate, be liable to a fine not exceeding fifty rupees for each offence; and any owner, occupier or keeper of any such shop or place who shall employ any such uncertificated person to perform any one or more of such duties, shall on conviction before a magistrate, be liable to a fine not exceeding two hundred rupees and shall be further liable at the discretion of such magistrate to forfeit his licence.

Uncertificated
person dis-
pensing drugs.

(2) Whoever, being the holder of such a certificate as is mentioned in sub-section (2) of section 153, fails to produce the same for inspection when called upon to do so by any of the officers mentioned in the said sub-section shall, on conviction before a magistrate, be liable to a fine not exceeding ten rupees.

155. (1) The president or any person authorised by the municipal council in this behalf, may at any reasonable time enter into and inspect any market, building, shop, stall or place used for the storage or sale of articles of food or drink or of drugs, or used for the slaughter of animals, and examine any article of food or drink or any drug or animal which may be therein, and if any article of food or drink or any drug or animal therein appears to be intended for human consumption and to be unfit therefor, he may seize the same.

Unwholesome
articles of
food and
drink.

(2) If the owner or person in whose possession such article, drug or animal is found consents thereto, the president or the authorised person may destroy it, or

dispose of it so as to prevent its being exposed for sale or use for human consumption.

(3) If such article, or drug is of a perishable nature it may be disposed of in the manner specified in sub-section (2) without the consent of the person in possession.

(4) No article of food or drink shall be exposed for sale without proper and hygienic protection.

(5) In cases not falling under sub-sections (2) and (3) the article, drug or animal seized as aforesaid shall be removed forthwith and placed before a magistrate for orders under sub-section (6).

(6) If any animal, article or drug is brought before a magistrate under sub-section (5), the magistrate, on its being proved that the article or animal was intended for human consumption and is unfit therefor, or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with, as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to one hundred rupees:

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee thereof, in ignorance of its nature shall not be liable to fine under this section.

False weights
and measures
and instru-
ments for
weighing.

156. The president, vice-president, chief officer and health officer or any councillor or officer authorised by the municipal council in this behalf, may at all reasonable times enter into any place used for the sale of articles used for human food or drink or for medicine, and inspect the instruments for weighing and the weights and measures in use; and if the person in charge be found in possession of any false or defective weights or measures, or of weights or measures or of any instruments for weighing by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

(8) *Prevention of Dangerous Diseases.*

157. (1) Every municipal council may, subject to such limitations, restrictions and conditions, if any, as may be prescribed in this behalf, exercise all or any of the powers specified in sub-section (2) for prevention of dangerous diseases.

Powers which may at any time be exercised.

(2) The powers, which may be exercised under the preceding sub-section are:—

- (a) power by orders, which may be either of special or general application, to direct that every medical practitioner who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the municipal council in that behalf;
- (b) power to direct or authorise the inspection without notice, or with such notice as to the person directed or authorised to inspect appears reasonable of any place in which any dangerous disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyond such place;
- (c) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place, which may appear to the municipal council, on the advice of the medical officer, likely to engender or cause the spread of any dangerous disease;
- (d) power to require by written notice the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or

in case of poverty, or for other cause which the municipal council in the circumstances of the case considers reasonable, at the expense of the municipal council;

(e) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmasala, chattram or musafirkhana in which a person has, or in which there is reason to believe that a person has, been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the municipal council or of such officer as the municipal council appoints in this behalf;

(f) power, with the previous permission in each case of a magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from dangerous disease.

(3) The municipal council may, in its discretion, give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penalties for disobedience of an order passed in exercise of such powers.

(4) Any person who in a municipality disobeys any order which is for the time being in force therein, and which has been passed by the municipal council in exercise of any power conferred on such municipal council by this section, or obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees.

Duties of municipal council in respect of diseases among horses, dogs, cattle, sheep, or goats.

158. If in any municipality any infectious disease amongst horse, dogs, cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof.

159. (1) Whenever the municipal council considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the municipal council may cause proceedings to be taken before a magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

Proceedings to abate the overcrowding of the interiors of buildings.

(2) Such magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further enquiry, if any, as may appear to such magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(3) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purpose of this sub-section, be deemed to be the owner of the building.

(4) It shall be incumbent on any owner to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who after the date specified in any requisition issued under sub-section (2) permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such commission to vacate, continues.

160. (1) If the municipal council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become injurious to health

Closing places for disposal of the dead.

it may submit its opinion with the reasons therefor to the Government, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may, by notification, direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(2) A copy of the said notification together with a translation thereof in Kannada shall be published in the *Mysore Gazette* and shall be posted up at the municipal office and in one or more conspicuous spots in or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(9) *Nuisances from certain Trades and Occupations.*

Regulations of
certain trades.

161. (1) No place within the limits of the town shall be used for any of the purposes mentioned in the Schedule XIII without a license obtained from the municipal council and except in accordance with the conditions specified therein.

(2) The president shall, if so required by the municipal council, publish a notification in the *Mysore Gazette* and in two or more local newspapers that any place at a distance within two miles of the limits of the municipality shall not be used for any one or more of the purposes mentioned in the Schedule XIII without a licence obtained from the President and except in accordance with the conditions specified therein :

Provided that no such notification shall take effect :—

(a) unless the sanction of the Government has been obtained therefor ; and

(b) until the expiry of thirty days from the date of its publication in the *Mysore Gazette*.

(3) The owner or occupier of every place for the use of which for any purpose a license is required under sub-section (1) or sub-section (2) shall apply to the President for such license not less than thirty days of the publication of the notification under sub-section (2) in the *Mysore Gazette*, as the case may be.

(4) Every application for a license for the use of any place for the purpose of storing or selling explosives, timber or other combustible materials shall contain a statement showing the boundaries and the measurements of such place.

(5) The President may grant such licenses subject to such restrictions and regulations as may be specified by him therein; or he may refuse to grant such license.

(6) Every such license shall expire at the end of the year for which it is granted, or at such earlier date as the President may, for special reason, specify in the license.

(7) Applications for renewal of such licenses shall be made not less than thirty days before the commencement of the year for which the renewal is sought.

(8) Where a license is granted under this section for the use of any place outside the limits of the municipality, the municipal council shall pay to the local authority within the limits of which such place is situated, such proportion of the fee received by the municipal council for the grant or renewal of such license as the * * * Government may, by general or special order, determine.

162. (1) In any municipality no person shall establish in any premises any factory, as defined in the Mysore Factories Act, 1936, without the previous written permission of the municipal council.

Factories in crowded localities.

(2) The municipal council may refuse to give such permission if it be of opinion that the establishment of such factory, in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the term of any bye-laws framed in this behalf.

(3) Whoever establishes in any premises any factory, as aforesaid without or after the refusal of such permission, or in contravention of the terms of any bye-laws framed in this behalf, shall be punished with fine which may extend to five hundred rupees.

Use of siren
or whistle
for summon-
ing or
dismissing
workmen.

163. (1) In any municipality no person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the municipal council.

(2) The municipal council may grant such license subject to such conditions as it may deem fit and may at any time withdraw such license on giving one month's notice to the licensee:

Provided that where the license has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without, or in contravention of any of the conditions of or after the withdrawal of such license shall be punished with fine which may extend to fifty rupees.

Use of loud
speakers.

164. In any municipality no person shall use in any place a loud speaker of any kind except under and in accordance with the conditions of a license from the President of the municipal council:

Provided that this section shall not apply to any place of public meeting or public resort.

Brothels.

165. In any municipality, any magistrate of the first class on receiving information that a house within the limits of such municipality is used as a brothel may summon the owner or occupier of such house, and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it and if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used:

Provided that action under this section shall be taken only on the complaint of three or more inhabitants of the municipality residing in the vicinity of the house to which the complaint refers.

(10) *Service of Notices and Penalties on non-compliance therewith.*

166. (1) The service of every notice and the presentation of every bill under this Act on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or servant or other person authorised by the municipal council in this behalf,

Service of notices, etc., addressed to individuals.

- (a) by giving or tendering the notice or bill to the person to whom it is addressed; or
- (b) if such person is not found, by leaving the notice or bill at his last known place of abode with, or by giving or tendering the notice or bill to, some adult male member or servant of his family; or
- (c) if such person does not reside within the municipal limits, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address; or
- (d) if none of the means aforesaid be available then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

(2) When any notice or bill under this Act is required or permitted by or under this Act to be served upon an owner or occupier of any building or land it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either—

Services of, notices, etc. on owners and occupiers of buildings and lands.

- (a) by giving or tendering the notice or bill to the owner or occupier, or if there be more owners or occupiers than one, to any one of them; or
- (b) if no such owner or occupier be found, then by giving or tendering the notice or bill to some male adult member or servant of the family of any such owner or occupier as aforesaid; or
- (c) if none of the means aforesaid be available, then by causing the notice or bill to be fixed on some conspicuous part of the building or land to which the same relates.

Public and
general
notices how
to be
published.

(3) Every notice which this Act requires or empowers a municipal council to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings and places, or is published in such local paper or in such other manner, as the municipal council in bye-laws in this behalf prescribes.

Defective
form not to
invalidate
notice or bill.

(4) No notice or bill shall be invalid for defect of form.

Execution of
acts required
to be done by
any notice.

(5) When any notice under this chapter requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(6) In the event of non-compliance with the terms of the notice it shall be lawful for the municipal council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the municipal council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 173.

Punishment
for disobe-
dience of
orders and
notices not
punishable
under any
other section.

167. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by a municipal council under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by the municipal council under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction :

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the magistrate to determine whether the time so fixed was reasonable time within the meaning of this Act.

168. (1) Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by instalments as the municipal council may deem fit.

Municipal council in default of owner or occupier may execute work and recover expense.

(2) If the defaulter be the owner of the building or land, the municipal council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Power to levy charges on occupier who may deduct the same from his rent.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglects or refuses upon application made to him for that purpose by the municipal council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at

Occupiers not to be liable for more than the amount of rent due.

the time of such demand or which has since accrued, shall be upon such occupier :

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

Occupier in default of owner, may execute works and deduct expenses from his rent.

169. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the municipal council, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings, if any, occupier opposes the execution of the Act.

170. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Act, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall for every day, during which, he so continues to refuse be punished with fine which may extend to fifty rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(11) *Miscellaneous.*

Entry for purposes of the Act.

171. It shall be lawful for the president, vice-president, chief officer or any officer authorised by the municipal council for such purpose, to enter, for any purpose

of this Act, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land :

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier :

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

172. (1) If an agreement is not arrived at with respect to any compensation or damages which are by this Act directed to be paid, the amount and if necessary the apportionment of the same shall be ascertained and determined by the Assistant Commissioner in charge of the taluk in which the municipality is situated and in the absence of such an officer by the Deputy Commissioner :

Determination of compensation in certain cases.

Provided that nothing in this sub-section shall prevent the aggrieved party from seeking redress in a Civil Court of competent jurisdiction.

(2) In any case, where the compensation is claimed in respect of any land, the procedure prescribed by the Mysore Land Acquisition Act, 1894, for proceedings in matters referred for the determination of the Court shall, as far as may be, be followed.

173. If a dispute arises with respect to any cost or expenses which are directed to be paid by any person under this chapter, the amount, and if necessary the apportionment, of the same shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the municipal council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Costs or expenses how determined and recovered.

CHAPTER X.

PROSECUTIONS, SUITS AND POWERS OF POLICE.

Municipal
council may
prosecute.

174. (1) The municipal council may direct any prosecution for any public nuisance whatever; and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, or of any rule or bye-law thereunder, and may order the expenses of such prosecutions or other proceedings, to be paid out of the municipal fund :

Provided that no prosecution for an offence under this Act or rule or bye-law framed thereunder shall be instituted except within one year next after the commission of such offence.

Jurisdiction
of magistrate.

(2) Any prosecution under this Act or under any rules or bye-laws thereunder may, save as therein otherwise provided, be instituted before any magistrate, and every fine or penalty imposed under or by virtue of this Act or any rule or bye-law thereunder; and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to such magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

Imprisonment
in default of
payment and
recovery and
payment of
fines.

175. (a) In case of any fine, costs, tax or other sum of money imposed, assessed or recoverable by a magistrate under this Act or under any rule, bye-law, or regulation made under it, shall not be paid, the magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and conditions imposed in sections 64 to 70 (both inclusive) of the Indian Penal Code as in force in Mysore.

(b) Any fine, costs, tax or sum imposed, assessed or recoverable by a magistrate under this Act, or any rule, bye-law or regulation made thereunder shall be recoverable by such magistrate, as if it were a fine imposed under the Code of Criminal Procedure, 1904, and the same shall on recovery be paid to the municipal council.

176. A municipal council may—

(a) compromise with any person who in the opinion of the municipal council has committed an offence punishable under this Act or any bye-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence;

Power to
compound
offence.

(b) withdraw from prosecutions instituted under this Act or under any bye-law made thereunder;

(c) compound any offence against this Act or against any bye-law made thereunder which may by rules made by the Government be declared compoundable:

Provided that Government may make rules to regulate the proceedings of persons empowered to compromise offence under this section.

177. No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the municipal council under this Act after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum.

Limitation
for distraint
etc.

178. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

Distress
lawful,
though
defective in
form.

179. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage

Damage to
municipal
property how
made good.

on demand the same shall be levied by distress, and such magistrate shall issue his warrant accordingly.

Alternative
procedure
by suit.

180. In lieu of any process of recovery allowed by or under this Act or in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of Chapter VIII, or of any compensation, expenses, charges or damages payable under this Act it shall be lawful for a municipal council to sue in any court of competent jurisdiction the person liable to pay the same.

Power of
compromise.

181. (1) The municipal council may compound or compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is required by this Act the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The municipal council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers, and servants under this Act.

(3) The municipal fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on behalf of the municipal council.

Assistance
for the
recovery of
rent on land.

182. For the purpose of the recovery of any amount due on account of rent from any person to a municipal council, the municipal council shall be deemed to be a superior holder, and every such person, an inferior holder, of such land, within the meaning of sections 97 and 98 of the Mysore Land Revenue Code, 1888, and the municipal council, as superior holder, shall be entitled for the recovery of every such amount, to all the assistance to which under the said sections, superior holders are entitled for the recovery of rent or land revenue payable to them by inferior holders.

183. (1) No suit shall be instituted against any municipal council, president, councillors, officers, servant or any person acting under the direction of such municipal council; president, councillors, officer or servant for any thing done or purporting to be done under this Act, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of a municipal council delivered or left at its office, and, in case of a president, councillor, officer or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

Limitation
of suits, etc.

(2) Every such suit shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action.

(3) Nothing in the section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

184. (1) Any police officer may arrest any person committing in his view any offence against any of the provisions of this Act, or of any rule or bye-law thereunder, if the name and address of such person be unknown to him, and if he declines to give his name and address, or if the police officer has reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained:

Power of
police officers.

Provided that no person arrested shall be detained without the order of a magistrate longer than shall be necessary for bringing him before a magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the municipal council of the commission of any offence against the provision of this Act, or of any rule or bye-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XI.

MUNICIPAL ACCOUNTS AND ADMINISTRATION REPORTS.

Prohibition of
expenditure
not budgeted
for.

185. Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely:—

(a) refunds of taxes and other moneys which the municipal council is authorised by the Act or the rules made thereunder to make;

(b) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake;

(c) sums which the municipal council is required or empowered by this Act, to pay by way of compensation:

(d) every sum payable—

(i) under sections 200 and 207 by order of the Deputy Commissioner and under sections 201, 202, 203, and 207 by order of the Government,

(ii) under a decree or order of a civil court passed against the municipal council,

(iii) under a compromise of any suit or other legal proceeding or claim;

(e) expenses incurred in the exercise of powers conferred by clause (a) of section 56 and sections 157 and 158;

(f) all contributions payable by the municipal council to the Government for the maintenance of water supply, dispensaries, schools and other institutions managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or authorities.

Presentation
of accounts.

186. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of April last preceding and at a general meeting which shall be held between the first day of November and the first day of January a complete account of the actual and expected receipts and

expenditure for the official year ending on the thirty-first day of March next following together with a budget estimate of the income and expenditure of the municipal council for the official year to commence on the first day of April next following.

(2) The municipal council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the municipal council shall be sent to the Government and a copy thereof sent simultaneously to the Commissioner and the Deputy Commissioner of the district for information. Budget estimate.

(3) In such budget estimate, the municipal council shall, among other things—

(a) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the municipal council by this Act, or any other law;

(b) provide for the payment, as they fall due of all instalments of principal and interest for which the municipal council may be liable in respect of loans contracted by it;

(c) provide for the payment of all sums payable to the Government under sections 201 and 202, and of all contributions, for the maintenance of water supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the municipal council or on behalf of any other local authority or authorities;

(d) allow for a balance at the end of the said year of not less than such sum as may be required to meet the establishment charges for a period of three months.

(4) If the budget as submitted, fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

(5) The Government may modify the Budget or any part thereof so as to secure compliance with any of the provisions of this Act or of the rules made thereunder.

187. If in the course of the official year the municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government, Revision of budget.

(a) no reduction shall be made in the amounts allotted for the several items specified in clauses (b) and (c) of sub-section (3) of section 186, and

(b) the closing balance shall not be reduced below the sum fixed under clause (d) of sub-section (3) of section 186.

Maintenance
of accounts
and restric-
tions on
expenditure.

188. (1) Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the municipal fund shall, save as otherwise expressly provided for in this Act, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The municipal council shall, at the general meeting in April or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

Audit of
accounts.

189. (1) The municipal accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be prescribed in the rules of the municipal council.

(2) The auditor or auditors shall for the purposes of their office, have access to all the accounts and other records of the municipal council.

(3) The municipal council shall pay from the municipal fund such charges for the audit as may be agreed upon and in the case of a Government auditor such charges as may be prescribed by the Government.

Powers of
Government
auditor.

190. The Government auditor may—

(a) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(b) by written requisition require any person accountable for, or having the custody or control, of any such document to appear in person before him; and

(c) require any person so appearing before him to make and sign a declaration with respect to such document

or to answer any question, or prepare and submit any statement.

191. (1) The Government auditor shall—

- (a) as soon as may be after the completion of the audit, deliver to the municipal council a report upon the audit of the municipal accounts;
- (b) report to the municipal council and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the municipal council or in the municipal accounts; and
- (c) report to the municipal council and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the municipal council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste.

Duties of
Government
auditor.

(2) The municipal council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Municipal
council to
remedy
defects.

192. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment.

Disallowance
by Govern-
ment auditor
and order
by Deputy
Commissioner.

(2) The Deputy Commissioner may on the report of the auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

Appeal from
order of
Deputy
Commissioner.

193. Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal Civil Court of original jurisdiction to set aside such charge and the Court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to cost as it may think proper in the circumstances; or in lieu of such application, the person so aggrieved may, within the like period appeal to the Government who shall pass such orders as it thinks fit.

Recovery of
amounts
disallowed.

194. Every sum certified to be due from any person by the Deputy Commissioner under this Act, shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the Court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.

Transmission
of accounts to
Government.

195. The municipal council shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Government or such officer may from time to time direct.

Annual ad-
ministration
report.

196. (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the municipal council shall submit to the Deputy Commissioner, and the Commissioner a report on the administration during the preceding official year in such form and with such details as the Government may direct.

(2) The President shall prepare the report and place it before the municipal council for consideration, and forward it to the Deputy Commissioner and the Commissioner with the resolution of the council thereon.

(3) The report may be published in such manner as the municipal council, may direct.

CHAPTER XII.

CONTROL.

197. * * * The Commissioner or any officer of the Government authorised by the Government by a general or special order shall have power—

Powers of inspection and supervision.

- (a) to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any municipal council or any institution under its control or management, or any work in progress under it or under its direction ;
- (b) to call for any extract from the proceedings of any municipal council or of any committee, or for any book or document in the possession of or under the control of a municipal council, and any return, statement, account, or report which he may think fit to require such municipal council to furnish ;
- (c) to require a municipal council to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such municipal council, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the municipal council, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

* * * * *

198. The Deputy Commissioner or the Commissioner shall have power to inspect the office of any municipal council in his district and call for the records of any such municipal council.

Deputy Commissioner's power of inspection of offices of municipal councils.

Deputy Commissioner's power of suspending execution of order, etc., of municipal councils.

199. (1) If in the opinion of the Deputy Commissioner, the execution of any order or resolution of a municipal council, or the doing of anything which is about to be done or is being done by or on behalf of a municipal council, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Deputy Commissioner's order to be reported to Government who may confirm or modify it.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Commissioner and to the Government and to the municipal council affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as it thinks fit:

Provided that no order of the Deputy Commissioner passed under this section shall be confirmed, revised or modified by the Government without giving the municipal council reasonable opportunity of showing cause against the said order.

Extraordinary powers of Deputy Commissioner in case of emergency.

200. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal council is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it shall be forthwith paid by the municipal council.

(2) If the expense and remuneration are not so paid the Deputy Commissioner may make an order directing any person, who for the time being, has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions of sub-section (2) of section 199 shall apply, so far as may be, to any order made under this section.

201. (1) Such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct. Agency for execution of public works.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at not more than three per cent as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under subsection (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

202. (1) Notwithstanding anything contained in this Act, it shall be lawful for the Government at any time after consulting the municipal council— Special provision in regard to works executed by Government.

(a) to construct any work or works of a permanent nature which, in the opinion of the Government is or are necessary or desirable for the health, or safety of the inhabitants, whether within any municipality or without it, wholly or in part;

(b) to retain the management and maintenance of any such work or to entrust the same, in whole or in part to the municipal council, or to resume the same from the municipal council;

(c) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Act.

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of the municipal council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by the Government to be paid by the municipal council under clause (c) of the preceding subsection.

Government
inquiry into
municipal
matters.

203. (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any matters with respect to which its sanction, approval or consent is required under this Act.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a Court under the Code of Civil Procedure in respect of the following matters :—

- (a) discovery and inspection,
- (b) enforcing the attendance of witnesses and requiring the deposit of their expenses,
- (c) compelling the production of documents,
- (d) examining witnesses on oath,
- (e) granting adjournment,
- (f) reception of evidence taken on affidavit, and
- (g) issuing commissions for the examination of witnesses,

and may summon and examine *suo motu* any person whose evidence appears to him to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be

paid, and to allow interest on costs at a rate not exceeding six per cent per annum; and such costs and interest shall be leviable as an arrear of land revenue.

204. (1) If in the opinion of the Government the number of persons who are employed by a municipal council as officers or servants or whom a municipal council proposes to employ or the remuneration assigned by the municipal council to those persons, or to any particular person, is excessive, the municipal council shall, on the requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons.

Power of Government to prevent extravagance in the employment of establishment.

(2) It shall be lawful for the Government—

- (i) to require, if in its opinion at any time such an appointment is necessary, the appointment of a health officer, or of an engineer or both to be made by any municipal council;
- (ii) to make in its discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such municipal council, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the municipal council;
- (iii) to require that any person appointed to be an Executive officer shall be invested by any such municipal council with all or any of the powers which can under this Act or under any rules in force at the time be lawfully delegated to him, in addition to such powers as are conferred on him by section 218;
- (iv) to require that all or any of the powers referred to in section 157 shall be delegated by any such municipal council, whether there be a chief officer or not, to the president, vice-president or any such councillor as the Government may deem fit.

Government may require any town municipal council to appoint a health officer or an engineer.

(3) Any requisition issued to the municipal council under clause (i), (iii) or (iv) of sub-section (2) above shall be complied with within such time as the Government may in each case prescribe in that behalf.

Power of Government to direct person in custody of municipal fund to pay Government dues.

205. If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority, to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

206. (1) If in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the *Mysore Gazette*, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.

Consequences of exercise of such power.

(2) When the municipal council is so dissolved or superseded, the following consequences shall ensue :—

(a) all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession as from the date of the order of supersession, vacate their offices as such councillors ;

(b) all powers and duties of the municipal council shall, during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf ;

(c) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government.

(3) After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted —

(i) in the case of dissolution, on the date specified in the order, or

(ii) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4), as the case may be.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

Power after enquiry to continue period of supersession.

207. (1) If any dispute for the decision of which this Act does not otherwise provide exists between a municipal council and one or more other local authorities in regard to any matters arising under the provisions of this or any other Act and the dispute is not amicably settled—

Disputes between a municipal council and one or more local authorities.

(a) the Deputy Commissioner may take cognizance of the dispute and decide it himself if the dispute is with another municipal council or a village panchayet in the same district and his decision shall be final; and

(b) in all other cases, the matter shall be referred to the Government who may take cognizance of the dispute and decide it and the decision of the Government shall be final.

(2) No suit shall be entertained by a Civil Court in respect of any dispute referred to in sub-section (1).

208. (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Act and prescribe forms for any proceeding for which it considers that a form should be provided.

Powers of Government to make rules and orders.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders—

(a) with reference to all matters expressly required or allowed by this Act to be prescribed;

(b) (i) for fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected;

(ii) for preparing and revising the lists of voters from time to time, and fixing the date after which no application for enrolment in any such list under preparation or revision shall be received;

(iii) for determining the manner in which and the authority by whom any objection to such lists in

regard to the names entered therein or omitted therefrom may be heard and decided, and to what authority the appeals as to such entries and omissions shall lie;

(iv) for prescribing the date, subject to the provisions of sub-section (1) of section 13 for the publication of the municipal electoral roll;

(v) for regulating generally elections of councillors and other matters incidental or ancillary thereto including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited;

(c) as to the contributions to be made by the municipal council to the pension and leave allowances of an officer who is serving or who, having served under a municipal council, has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a municipal council;

(d) for regulating the period of service of all officers and servants, and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities, or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities, or compassionate allowances; and for prescribing the conditions under which any gratuities, or compassionate allowances may be paid to the surviving relations on the death of any such officers or servants;

(e) as to the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom;

(f) for the proper management and maintenance of any work constructed under section 202 and for the regulation of all matters and things connected therewith;

(g) as to the preparation of plans and estimates for works which are to be partly or wholly constructed out of the municipal fund and the authority by whom, and the conditions subject to which, such plans and estimates for works may be sanctioned;

(h) as to the transfer to municipal councils, the management of any institution not otherwise provided for by this Act;

(i) as to the intermediate offices, if any, through which correspondence between municipal councils and the Government or Government officers shall pass;

(j) for submission of returns, statements, and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure and the administration reports;

(k) for the regulation of all matters connected with the grant of permission under section 113;

(l) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

(3) A rule may be general for all municipalities, or for all municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more municipalities, as the Government may direct.

(4) All rules made by the Government under this Act shall be published in the *Mysore Gazette* both in English and Kannada and such rules shall have the force of law after one month from the date of such publication.

209. (1) The Government may at any time by notification in the *Mysore Gazette* repeal wholly or in part or modify any rule or bye-law made by any municipal council:

Power of Government to cancel or modify bye-laws and rules of municipal councils.

Provided that before taking any action under this sub-section, the Government shall communicate to the municipal council the grounds on which it proposes to do so, fix a reasonable period for the municipal council to show cause against the proposal and consider the explanation and objections, if any, of the municipal council.

(2) The repeal or modification of any rule or bye-law shall take effect from the date of publication of the notification in the *Mysore Gazette*, if no date is therein specified

and shall not affect anything done, omitted or suffered before such date.

Delegation of powers by Government.

210. The Government may delegate all or any of its powers under this Act to any officer subordinate to it.

Powers of Government and of the Deputy Commissioners over subordinates.

211. In all matters connected with this Act, the Government and each Deputy Commissioner shall respectively, have and exercise the same authority and control over the Deputy Commissioners and their subordinates, as it or he has and exercises over them in the general and revenue administration.

Powers of officers acting for, or in default of municipal council and liability of municipal fund.

212. When the Deputy Commissioner or any Officer of the Government or any person appointed by him or the Government lawfully takes action on behalf or in default of the municipal council under this Act, he shall have power to make such contracts as are necessary for the purpose, and shall be entitled to the same protection under this Act as the municipal authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such municipal authority.

Powers to transfer officers.

213. (1) Notwithstanding anything contained in this Act, the Government shall have power to transfer any officer or servant of a municipality to the service of any other municipality or of any district board constituted under the Mysore District Boards Act, 1926, or of any Government department.

(2) The Government shall have power to issue such general or special directions as it thinks necessary for the purpose of giving due effect to transfers made under subsection (1).

CHAPTER XII.

211

APPOINTMENT AND POWERS OF EXECUTIVE OFFICERS.

214. (1) Any municipal council may, and when required by the Government by an order in this behalf shall, within such time as may be fixed therein, appoint an executive officer for the municipality. Appointment of executive officers.

(2) The appointment of a person as executive officer shall be subject to the approval of the Government.

(3) No such officer shall, save with previous approval of the Government, be removable from office, reduced, or suspended.

(4) It shall be in the discretion of the Government to make an order vetoing the continuance in the office of executive officer of any person appointed thereto and the tenure of such office by such person shall cease and determine on and from the date on which such order is communicated to the municipal council.

(5) When an executive officer shall have been appointed, all other officers and servants employed by the municipal council, save such as are excepted by order of the Government from time to time, shall be subordinate to him.

215. Notwithstanding anything contained in this Act— Appointment by Government.

(a) the Government may, by notification, take power to appoint the executive officer in the case of any municipal council;

(b) the Government may, at any time, withdraw any such executive officer and appoint another in his place; and

(c) the Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of executive officers appointed under clause (a).

216. So long as a notification under clause (a) of section 215 is in force, the municipal council in respect of which such notification is made, shall cease to exercise the power of appointment under section 214 of this Act. Municipal council when not to exercise the power.

Duties of
executive
officer.

217. The executive officer shall—

(a) subject to the control of the president, perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under this Act;

(b) subject to the orders of the president or of the municipal council, as the case may be, take prompt steps to remove any irregularity pointed out by the auditors;

(c) report to the president, and the municipal council all cases of fraud, embezzlement, theft or loss of municipal money or property;

(d) supply any return, statement, account or report or a copy of any document in his charge called for by the municipal council and shall comply with any orders passed by the municipal council thereon; and

(e) subject to the rules prescribed in this behalf under section 208 and subject to the control of the president, perform and exercise the duties and powers of the president specified in clauses (b), (f) and (g) of sub-section (1) of section 24 and in clause (e) of the same sub-section in regard to the officers and servants of the municipal council.

Powers of
executive
officer.

218. (1) The executive officer

shall exercise the powers hereinafter specified, and such other powers as may be delegated to him by the municipal council under the provisions of this Act:—

(a) he shall have power, subject to the provisions of this Act and of the bye-laws for the time being in force thereunder, to grant, give and issue with the approval of the president under his signature all licences and permissions which may be granted or given by a municipal council under this Act, other than licences for markets or slaughter-houses;

(b) he may, subject to the provisions aforesaid, at his discretion suspend, withhold or withdraw any licence in any case in which he is empowered as aforesaid to grant or give a licence, and in which the municipal council may under the provisions aforesaid suspend, withhold or withdraw such licence;

(c) he shall receive and recover and credit to the municipal fund all fees payable for licences and permissions granted or given by him under the powers aforesaid;

(d) he may subject to the control of the president and to the provisions of section 38—

(i) enter on behalf of the municipal council into contracts which do not involve an expenditure of over fifty rupees; and

(ii) invite, on behalf of the municipal council and by public notice tenders for the execution of any approved work or for the supply of any materials or goods required by the municipal council; and

(e) he may make such requisitions by written notice, give such written consent or permission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a municipal council under any provisions contained in—

section 76,

section 80, sub-sections (2) and (3),

section 85,

section 89, sub-sections (3), (4) and (5),

section 91, proviso to sub-section (2),

section 92,

section 93,

section 94,

section 97,

section 99, sub-section (3),

section 110,

section 112,

section 114,

section 116,

section 119,

section 123, sub-section (1),

section 124,

section 127,

section 128,

section 130,

section 131,

section 132,

section 133,

section 134,

section 135,

section 136,

section 137,
 section 138,
 section 139,
 section 140,
 section 142, sub-section (1),
 section 143,
 section 146,
 section 150, sub-section (3),
 section 155,
 section 156,
 section 157, sub-section (2),
 section 166, and
 section 167.

(2) The exercise or discharge by the executive officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the Commissioner and shall be subject to his control and revision.

Executive
 officer's
 powers of
 appointment
 and punish-
 ment.

219. The executive officer shall, subject to the control of the president and independently of such powers as may be delegated to him by the municipal council in this behalf, have power—

(a) to appoint to any post in the inferior service, and to fine, reduce, suspend or dismiss any person holding such post;

(b) subject to the provisions of the rules for the time being in force, and subject to conditions and limitations, that may be imposed by the Government or the municipal council, to fine, reduce or suspend any other municipal officer or servant:

Provided that his order in respect of any punishment shall be subject to an appeal to the Municipal Council.

Executive
 officer
 may make
 explanations
 at meetings.

220. The executive officer may, with the permission of the president, or in virtue of a resolution passed in this behalf at any meeting of the municipal council or of any committee, make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting.

SCHEDULE I.

[Section 61, clauses (i), (v) to (x).]

MAXIMUM RATES OF TAXES OTHER THAN OCTROI, * * TAXES ON
VEHICLES AND ANIMALS, TOLLS, TAXES ON ARTS, PROFES-
SIONS, TRADES AND CALLINGS AND SHOP TAX.

Taxes	Maximum rate per year
A. Rate on buildings or lands or both—	
(i) Lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure ground or for the pasturage of animals kept for private use.	Eight annas for every one hundred square yards.
(ii) Buildings or lands or both not falling under (i)—	
(a) In such municipalities as may be specified by the Government.	Six per centum on the annual letting value.
(b) In other municipalities.	Eight annas for every hundred rupees or portion of hundred rupees of the market value up to two thousand rupees, with four annas for every hundred rupees or portion of hundred rupees for the balance of such value in excess of two thousand rupees.
B. Stand fee for bus stands established or maintained by a Municipal Council.	Four annas per bus per day.
C. Tax on dogs	One rupee per head.
D. Special sanitary cess	Three per centum of the rental value.
E. General sanitary cess	Four per centum of the rental value.
F. Water rate or water rates	Six and one quarter per centum of the rental value.
G. Lighting Tax	One-third of the rate leviable under item A.

SCHEDULE II.

[Section 61, clause (iv) * * * .]

MAXIMUM RATES OF OCTROI * * *

A. Octroi.

No.	Articles	Maximum rate			Remarks
		Rs.	a.	p.	
1	Cocoanut fresh	...	0	8	4 Per hundred
2	Do dry per maund	...	0	6	0
3	Betel leaves	...	0	0	1 Per hundred
4	Sugar per maund	...	0	2	5
5	Sheep or goat per head	...	0	1	6
6	Tobacco raw per maund	...	0	8	0 *Inclusive
7	Kerosene oil per tin of four gallons	...	0	2	0 of tobacco
8	Petrol	...	...	...	products
9	Piece goods	...	1	9	0 dust and sticks.
			per cent		
10	Arccanut per bag of five maunds	...	0	2	0
11	Cocoanut oil, linseed oil, honge oil, castor oil, vegetable oil, per tin or part thereof.	...	0	2	0
12	Diesel oil and other mineral oils	...	0	2	0
13	Cement per maund	...	0	0	6
14	Tiles (Mangalore or similar pattern) per cent <i>ad valorem</i> including flooring tiles.	...	1	9	0
15	Alloys in any shape or articles manufactured out of these metals, machinery or part thereof (per cent <i>ad valorem</i>).	...	1	9	0
16	Iron and steel or articles made thereof (per cent <i>ad valorem</i>) including machinery or parts.	...	1	0	0
17	Beedies per 1,000	...	0	0	6
18	Cigarettes	...	0	4	0
19	Gunny bag per empty bag	...	0	0	1
20	Hosiery and other textile fabric (per cent <i>ad valorem</i>)	...	1	9	0
21	Cuddapah slabs per cent <i>ad valorem</i>	...	1	9	0
22	Rubber goods per cent <i>ad valorem</i>	...	2	0	0
23	Coffee and Tea per cent <i>ad valorem</i>	...	1	9	0
24	Teak and honne in logs per c.ft.	...	0	1	3
25	Teak and honne sawn per c.ft.	...	0	1	6
26	Black wood in log per c.ft.	...	0	1	0
27	Do sawn per c.ft.	...	0	1	3
28	Other woods in log <i>ad valorem</i>	...	0	0	9
29	Do sawn <i>ad valorem</i>	...	0	1	3
30	Wheat and wheat-flour, maida-flour and other wheat products per bag of 196 lbs. or fraction thereof.	...	0	4	0
31	Cotton seeds per bag of 100 seers or fraction thereof.	...	0	1	0

No.	Articles	Maximum rate	Remarks
		Rs. a. p.	
32	Groundnuts per bag of 100 seers or fraction thereof.	0 1 0	
33	Groundnut seeds	0 1 0	
34	Match boxes per gross or fraction thereof.	0 1 0	
35	Jaggery per maund	0 2 0	
36	Ghee per maund	0 8 0	
37	Country butter per maund	0 8 0	
38	Oats per cent <i>ad valorem</i>	1 0 0	
39	Bran per cent <i>ad valorem</i>	1 0 0	
40	Chaff Do	1 0 0	
41	Oil seeds per candy of 160 seers	0 4 0	
42	Manufactured wooden materials (intended for sale per cent <i>ad valorem</i>).	2 0 0	
43	Burnt lime (Chunnam) per load	0 4 0	
44	Imported manufactured articles such as rain or water proof coats, holdalls, umbrellas, hats, rain caps, fur caps, gowns, over-coats and mosquito curtains per cent <i>ad valorem</i> .	1 9 0	
45	Musical goods per cent <i>ad valorem</i>	2 0 0	
46	Toys of all kinds and varieties and their accessories per cent <i>ad valorem</i> .	2 0 0	
47	Soaps of all varieties and kinds including soaps flakes, shaving sticks, shaving cream, liquid soap and the like, per cent <i>ad valorem</i> .	2 0 0	
48	Confectionery including all kinds of manufactured sweets, peppermint and chocolate per cent <i>ad valorem</i> .	2 0 0	
49	Glassware (glass-sheets, plates, cups, tumblers, jars, mirrors, glass, chimneys, bulbs, bottles, tools, lens tubes, articles partly made of glass bangles and other glass articles <i>ad valorem</i>).	2 0 0	
50	Tinned goods packets, (a) tinned or canned or bottled fruits, fruits juice, essence of all kinds, cuticura powder, etc., baking powder and table salt of all varieties. All the electrical goods and parts thereof <i>ad valorem</i>).	2 0 0	
51	Colour and metal polish	2 0 0	per cent <i>ad valorem</i> or 0-1-0 per lb.
52	Motors, dynamo, etc., and all spare parts of metals (per cent <i>ad valorem</i>).	2 0 0	
53	Motor vehicles do	2 0 0	
54	Asbestos sheets and other materials made of asbestos (per cent <i>ad valorem</i>).	2 0 0	
55	Porcelain articles and china cups, etc. (per cent <i>ad valorem</i>).	2 0 0	

No.	Articles	Maximum rate		Remarks
		Rs.	a. p.	
56	Bakelite and plastic materials ...	2	0 0	
	per cent <i>ad valorem</i>			
57	Cameras and watches (do) ...	2	0 0	
58	Machinery parts or powerloom parts (do).	2	0 0	
59	(a) Battery and cells including electric torches (per cent <i>ad valorem</i>).			
	(b) Manufactured syrups and squashes.			
	(c) Glaxo, horlicks, malted milk or powdered food, cocoa, ovaltine, bournvita, ovaltine rusk, and all foods of the like nature.			
	(d) Toilet snows, creams, hair oils, vaselines, brilliantine and all kinds of pomade and perfumery and the like.			
	(e) Condensed milk of all kinds of liquid or powder form and shall include cheese or cream and tinned butter.	2	0 0	per cent <i>ad valorem</i> .
	(f) Biscuits of all varieties and kinds ...			
	(g) Sausage, canned beef, assorted soaps and the like.			
	(h) Tinned meat, etc. ...			
	(i) Pepper and ginger species ...			
	(j) Tinned and bottled pickles and chutnies.			
	(k) All other kinds of tinned food and articles.			
	(l) Tooth paste and powder ...			
60	Clocks ...	2	0 0	per cent <i>ad valorem</i> .
61	Photo frames and pictures ...	2	0 0	do
62	Optical glass and frames ...	2	0 0	do
63	Cycles and assessories ...	2	0 0	do
64	Celluloid materials ...	2	0 0	do
65	Playing cards ...	2	0 0	do
66	Brushes of all kinds ...	2	0 0	do

B. Terminal tax

Rates to be fixed by the * *
Government from time to time

SCHEDULE III.

[See Section 61, clause (ii)]

VEHICLES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE
MAXIMUM RATES OF TAXATION.

	Yearly.		
	Rs.	a.	p.
For every four-wheeled vehicle with springs constructed to be drawn by two or more horses	20	0	0
For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks	10	0	0
For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks	6	0	0
For every other vehicle with springs and every palanquin, and every trailer attached to a motor car	6	0	0
For every cart or other vehicle without springs	4	0	0
For every boat	4	0	0
For every bicycle or tricycle	3	0	0
For every elephant	24	0	0
For every camel	12	0	0
For every horse over thirteen hands	10	0	0
For every horse of or under thirteen hands	4	0	0
For every horse of or under eleven hands and for every mule	2	0	0
For every bullock or bull	1	0	0
For every male buffalo	1	0	0
For every ass	0	8	0

SCHEDULE IV.

[See Section 61, clause (iii).]

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE
MUNICIPAL LIMITS.

Rs. a. p.

1.	On every motor bus as defined in the motor vehicles rules or motor lorry	2	0	0
2.	On every motor car	1	0	0
3.	On every motor tricycle or bicycle or trailer attached to a motor car	0	4	0
4.	On every four-wheeled carriage	0	8	0
5.	On every two-wheeled carriage on springs other than a jutka	0	4	0
6.	On every jutka laden	0	2	0
7.	On every jutka unladen	0	1	0
8.	On every other vehicle with springs including a tricycle or bicycle	0	2	0
9.	On every cart or other vehicle not on springs drawn by two bullocks, buffaloes, horses, ponies, asses, or mules, if laden	0	4	0
10.	On every cart or other vehicle not on spring drawn by two buffaloes, bullocks, horses, ponies, asses or mules, if not laden	0	2	0
11.	On every cart or other vehicle not on springs drawn by single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
12.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0

SCHEDULE V.

[See Section 61, clause (xi).]

MAXIMUM RATES OF TAX ON ARTS, PROFESSIONS,
TRADES AND CALLINGS.

CLASS I.

Yearly.
Rs.

Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to one thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to one thousand rupees a month or upwards:—

- (i) carrying on business as a company;
- (ii) abkari renters, wholesale and retail traders, and manufacturers of every kind, contractors, auctioneers and commission agents;
- (iii) bankers, money lenders, money-changers and pawn-brokers;
- (iv) editors and proprietors of newspapers;
- (v) brokers and dealers in securities, shares or bills of exchange;
- (vi) practising barristers, advocates, High Court vakils, solicitors, attorneys, pleaders, and law agents;
- (vii) practising medical practitioners of all kinds including hakims and vaidyas;
- (viii) dentists and veterinary surgeons;
- (ix) architects and civil engineers;
- (x) owners and farmers of markets and tool-formers;
- (xi) keepers of hotels, lodging houses, or boarding houses;
- (xii) builders and surveyors;
- (xiii) owners of mills, warehouses, printing presses, oil presses, cotton presses and other presses and factories of all kinds;
- (xiv) professional artists, photographers, actors and owners or managers of circuses or theatrical companies, musicians and dancers;
- (xv) dealers in animals or vehicles, and owners, or keepers of livery stables or hackney carriages;
- (xvi) artisans.

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CLASS II.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to five hundred rupees a month or upwards ...

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CLASS III.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to three hundred rupees a month or upwards ...

12

CLASS IV.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to two hundred rupees a month or upwards ...	Yearly Rs. 8
---	--------------------

CLASS V.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to one hundred rupees a month or upwards ...	4
---	---

CLASS VI.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to rupees fifty a month or upwards ...	2
---	---

CLASS VII.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to thirty rupees a month or upwards ...	1
--	---

NOTE.—The foregoing classification is subject to the following provisos, namely :—

PROVISO 1.—No owner of a cotton press shall be placed in any class below class II.

PROVISO 2.—No wholesale trader, banker, barrister, advocate, High Court vakil, solicitor, attorney, architect, civil engineer, mill owner or factory-owner shall be placed in any class below class III.

PROVISO 3.—No abkari renter (other than a mere liquor shop keeper), editor or proprietor of a newspaper, broker or other dealer in securities, shares or bills of exchange, and no pleader, medical practitioner (other than a hakim or vaidya), dentist or veterinary surgeon shall be placed in any class below class IV.

PROVISO 4.—No auctioneer, money-lender, owner or farmer of a market, toll-farmer, keeper of a hotel, lodging-house, boarding-house and no builder, surveyor or owner of a warehouse or press (other than a cotton press or oil press), shall be placed in any class below class V.

SCHEDULE VI.

MAXIMUM RATES OF TAX ON SHOPS AND OTHER PLACES OF
BUSINESS OR PROFESSION.

[See section 61, clause (xii).]

Items	Sort					
	1st	2nd	3rd	4th	5th	6th
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Shops. — For each shop per year.	30	25	20	10	4	2
2. Other places where business or profes- sion is carried on for purposes of pro- fit.— For each place per year.	30	25	20	20	4	2

SCHEDULE VII.

[See clause (b) of section 62.]

Notice is hereby given to the inhabitants of the municipality of that the municipal council desires to impose the tax, rate, toll, octroi or cess (as the case may be) defined in the rules appended, [in lieu of the tax known as the which is published at page of the sanctioned rules.] *

* To be inserted if the tax is to be substituted for any existing tax.

Any inhabitant of the municipality objecting to the proposed tax may, within one month from the date of this notice, send his objections in writing to the municipal council.

RULES.

[The rules prepared by the municipal council under clause (a) of section 63 are to be appended here.]

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SCHEDULE VIII.

[See section 76.]

Form of notice of transfer to be given when the transfer has been effected by instrument.

To the president of the _____ municipal council,
I, A. B. hereby give notice, as required by section 76 of the
Mysore Town Municipalities Act, 1951, of the following transfer of
property :—

Date of notice	Date of instrument	Name of vendor or assignor	Name of purchaser or assignee	Amount of consideration	Description of property				If instrument has been registered, the date of registration	Remarks
					Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries	

(Sd.) A. B.

SCHEDULE IX.

[See section 76.]

Form of notice of transfer to be given when the transfer has taken place otherwise than by instrument.

To the president of the _____ municipal council,
I, A. B. hereby give notice, as required by section 76 of the
Mysore Town Municipalities Act, 1951, of the following transfer of
property :—

Date of notice	In whose name the property is at present entered in the municipal registers	To whose name it is to be transferred	Description of property					Remarks
			Of what it consists	Situation	Number in assessment list	Dimension of land	Boundaries	

(Sd.) A. B.

SCHEDULE X.

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[See sub-section (3) of section 92.]

FORM OF NOTICE OF DEMAND.

To

A. B., residing at.....

Take notice that the municipal council of.....
 demands from..... the sum of.....
 due from.....
 on account of..... (here describe the property or
 other subject in respect of which the tax is leviable) leviable under
 rule number..... for the period of..... commencing
 on the day of..... 19..... and ending on the.....
 day of..... 19....., and that if, within fifteen days from
 the service of this notice, the said sum is not paid into the municipal
 office at..... or sufficient cause for non-payment is not
 shown to the satisfaction of the municipal council, a warrant of distress
 will be issued for the recovery of the same with costs.

Dated this.....day of.....19

(Signed)

By order of the municipal council of

SCHEDULE XI.

[See sub-section (1) of section 93.]

FORM OF WARRANT.

To

(Here insert the name of the officer charged with the execution of
 the warrant.)

Whereas A. B., of..... has not paid, and has *Here
 not shown satisfactory cause for the non-payment, of the sum of..... describe the
 due for the tax*..... mentioned in tax.
 the margin for the period commencing on the day of 19 and ending
 with the day of 19 and leviable under rule number.

And whereas fifteen days have elapsed since the service on him of
 notice of demand for the same;

This is to command you to distrain, subject to the provisions of
 section 94 of the Mysore Town Municipalities Act, 1951, the goods
 and chattels of the said A. B. to the amount of....., being the
 amount due from him, as follows:—

Rs. a. p.

On account of the said tax ...	...	...
For service of notice ...	...	...

and forthwith to certify to me together with the warrant all particulars
 of the goods distrained by you thereunder.

Dated this.....day of.....19

(Signed)

President (or Executive officer as the case may be), see section 94 (2)

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SCHEDULE XII.

[See clause (c) of sub-section (5) of section 93 and sub-section (1) of section 89]

FORM OF INVENTORY AND NOTICE.

To

*Here
describe the
tax.

A. B., residing at.....

Take notice that I have this day distrained the goods and chattels specified in the inventory beneath this, for the value of..... due for the tax*.....mentioned in the margin for the period commencing with the day of 19 , and ending with the day of 19 , together with Rs.

due as for service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the municipal office at..... the said amount together with the costs of recovery, the said goods and chattels will be sold.

Dated this

day of

19 .

executing the warrant.

Signature of Officer

collecting octroi.

collecting toll.

INVENTORY.

(Here state particulars of goods and chattels distrained.)

SCHEDULE XIII.

PURPOSES FOR WHICH PREMISES MAY NOT UNDER SECTION 161
BE USED WITHOUT A LICENSE.

- Aerated waters.*—Manufacturing.
- Ammunition.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Article made of flour.*—Baking, preparing, keeping or storing for human consumption (for other than domestic use).
- Ashes.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.
- Biscuits.*—Baking, preparing, keeping or storing for human consumption (for other than domestic use).
- Blood.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Bones.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Bread.*—Baking, preparing, keeping, or storing for human consumption (for other than domestic use).
- Bricks.*—Manufacturing.
- Camphor.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.
- Candles.*—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Carpets.*—Manufacturing.
- Catgut.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Cement.*—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Charcoal.*—Dumping, shifting, selling or storing.
- Chemical preparations.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Chillies.*—Grinding by machinery.
- Chlorate mixture.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Cinders.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.
- Clothes.*—Dyeing.
- Coal.*—Dumping, shifting, selling or storing.
- Coconut fibre.*—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.
- Combustible material.*—Storing.
- Combustibles.*—Baking, preparing, keeping or storing for human consumption (for other than domestic use).
- Confectionery.*—Baking, preparing, keeping, or storing for human consumption (for other than domestic use).
- Cotton, Cotton refuse.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Dyes.*—Packing, pressing, cleansing, preparing or manufacturing any process whatever.

Explosive.—Storing.

Fat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Firewood.—Selling or storing.

Fireworks.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish oil.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flax.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fleshings.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flour.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fule.—Using for any industrial purpose.

Fulminate of mercury.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gas.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gold.—Refining.

Gram.—Husking by machinery.

Gun-Cotton.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gun-powder.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hair.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Hay.—Selling or storing.

Hemp.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hides.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hoofs.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Horns.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Ica.—Manufacturing.

Jute.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lead.—Melting.

Leather.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lime.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Limeshells.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Manure.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Machinery.—Using for any industrial purpose.

- Matches.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Meat.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Metals.*—Beating, breaking, hammering, casting, etc.
- Nitro compound.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Nitro glycerine.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Nitro mixture.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Offal.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Paddy.*—Boiling or husking by machinery.
- Petroleum products.*—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever in quantities not exceeding six gallons, provided that no licence shall be required for storing petroleum in accordance with the provisions of the Mysore Petroleum Act, 1942, or the rules issued or the notifications published under that Act.
- Pitch.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Pottery.*—Manufacturing by any process whatever.
- Resin (including resin).*—Storing, packing, pressing, cleansing preparing or manufacturing by any process whatever.
- Saltpetre.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Seegekai.*—Powdering by machinery.
- Shellac.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Skins.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Soap.*—Manufacturing by any process whatever.
- Spirits.*—Manufacturing by any process whatever.
- Sulphur.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.
- Tallow.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.
- Tar.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Thatching materials.*—Selling or storing.
- Tiles.*—Manufacturing.
- Timber.*—Selling or storing.
- Tobacco (including snuff, cigars, cigarettes and beedies).*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Turpentine.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Wool.*—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever; dyeing or drying.
- Yarn.*—Dyeing.

Provided that no licence shall be required for the storage only of any of the articles mentioned in this Schedule or for boiling paddy when

such storage or boiling is for domestic use and limited to such quantities as may from time to time be fixed by the Commissioner.

Gilding or electro-plating.

Keeping a shaving or hair-dressing saloon.

Keeping together pigs or twenty or more sheep or goats or ten or more heads of cattle.

Manufacturing articles from which offensive or unwholesome smells, fumes, dust or noise arise.

In general, any purpose or the doing in the course of any industrial process anything which in the opinion of the municipal council is likely to be dangerous to human life, or health or property or is likely to create or cause a nuisance.

G. S. VENKATARAMANA IYER,

Secretary,

Mysore Legislature.



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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, SATURDAY, MARCH 31, 1951.

NOTIFICATION.

No. L.D. 3567, Bangalore, dated 31st March 1951.

Under Rule 36 of the Mysore Legislative Rules, the Mysore Appropriation No. 2 Bill, 1951, together with the Statement of Objects and Reasons, is published for general information.

THE MYSORE APPROPRIATION No. 2 Bill, 1951.

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one.

Preamble.

* WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one;

• It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore Appropriation No. 2. Act, 1951.

Issue of
Rupees
7,64,000
out of the
Consolidated
Fund of the
State for the
year 1950-51.

2. From and out of the Consolidated Fund of the State there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of seven lakhs sixty-four thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one.

SCHEDULE.

[See sections 2 and 3]

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1	2	3
No. of vote	Services and purposes	Sums not exceeding
		Voted by the Legislative Assembly
	A. Expenditure met from Revenue.	Rs.
1	1. Land Revenue	4,97,000
7	12. General Administration	17,000
32	II Forest—1. Sandal Oil— Operation Expenses	2,50,000
	Total	7,64,000

Statement of Objects and Reasons.

This Bill is introduced in pursuance of Article 204 (1) of the Constitution of India, read with Article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of the moneys required to meet the grants made by the State Legislative Assembly for expenditure of the State Government for 1950-51.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
*Legal Remembrancer and
Secretary to Government,
Law Department.*



The Mysore Gazette

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BANGALORE, SATURDAY, MARCH 31, 1951.

NOTIFICATION.

No. L.D. 3568, Bangalore, dated 31st March 1951.

Under Rule 36 of the Mysore Legislative Rules, the Mysore Appropriation No. 3 Bill, 1951, together with the Statement of Objects and Reasons, is published for general information.

THE MYSORE APPROPRIATION No. 3 BILL, 1951.

A Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

Preamble.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore Appropriation No. 3 Act, 1951.

Issue of
Rupees
29,43,22,700
out of the
Consolidated
Fund of the
State for the
year 1951-52.

2. From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two thousand nine hundred and forty-three lakhs, twenty-two thousand and seven hundred rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

SCHEDULE.

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(See sections 2 and 3)

No. of vote	1	2	3		
			Sums not exceeding		
			Voted by the Legis- lative Assembly	Charged on the Consolida- ted Fund	Total
		Services and purposes			
		A. EXPENDITURE MET FROM REVENUE.	Rs.	Rs.	Rs.
1	7	Land Revenue	95,21,000	...	95,21,000
2	8	State Excise Duties	16,90,000	...	16,90,000
3	9	Stamps	1,89,000	...	1,89,000
4	10	Forest	37,66,000	...	37,66,000
5	11	Registration	4,29,000	...	4,29,000
6	12	Charges on account of Motor Vehicles Acts	6,66,000	...	6,66,000
7	13	Other Taxes and Duties	4,28,000	...	4,28,000
8	14	Other Revenue Expenditure financed from Ordinary Revenue. 48,01,000	48,01,000	...	48,01,000
9	15	Construction of Irrigation, Navigation, Embankment and Drainage Works 30,75,000	30,75,000	...	30,75,000
10	16	Interest on Debt and other obligations	...	...	...
	17	Interest on works for which capital accounts are kept	34,20,000	47,91,000	82,11,000
	18	Interest on capital outlay on Electricity Schemes	...	...	...
	19	Appropriation for Reduction or avoidance of Debt	...	20,00,000	20,00,000
11	20	General Administration (except B. C. and F.)	25,43,000	3,87,600	29,30,600
12	21	Do (B. Parliament and the State Legislature and C. Elections for Legislature) 10,15,600	10,15,600	16,800	10,32,400
13	22	General Administration (F. District Administration)	31,20,000	...	31,20,000
14	23	Administration of Justice	29,95,600	2,67,400	32,63,000
15	24	Jails	6,84,000	...	6,84,000
16	25	Police	91,75,000	...	91,75,000
17	26	Scientific Departments	2,82,000	...	2,82,000
18	27	Education	3,08,96,000	...	3,08,96,000
19	28	Medical	92,24,000	...	92,24,000
20	29	Public Health	42,68,000	...	42,68,000
21	30	Agriculture (except Horticulture)	60,24,700	...	60,24,700
22	31	40 (b) Botanical and Other Public Gardens	8,05,300	...	8,05,300
23	32	40A. Rural Department	54,69,000	...	54,69,000
24	33	41. Veterinary charges	23,47,000	...	23,47,000
25	34	42. Co-operation	5,24,000	...	5,24,000
26	35	43 Industries and Supplies except Sericulture	35,73,600	...	35,73,600

1 No. of vote	2 Services and purposes	3 Sums not exceeding		
		Voted by the Legisla- tive Assembly	Charged on the Consolida- ted Fund	Total
		Rs.	Rs.	Rs.
27	43 a-4. Sericulture	10,35,403	...	10,35,403
28	47 Miscellaneous Departments	12,81,600	...	12,81,000
29	50 Civil Works	2,02,50,500	...	2,02,50,500
30	54A Territorial and Political Pensions	2,85,000	...	2,85,000
31	55 Superannuation Allowances and Pensions	87,04,000	1,00,000	88,04,000
32	56 Stationery and Printing	14,25,000	...	14,25,000
33	57 Miscellaneous	13,07,000	...	13,07,000
34	63 Extraordinary charges	19,50,000	...	19,50,000
35	X. Forest—8. (i) Wood Preservation Plant—Working Ex- penses and Seigniorage	3,00,000	...	3,00,000
36	XVII. I.N.E. and D. Works for which capital accounts are kept—Working Expenses	24,66,300	...	24,66,300
37	XXXII. Industries and Supplies—(a) Industries—Working Expenses	4,65,65,103	...	4,65,65,100
38	XLI. Receipts from Electricity Scheme—Working Expenses	87,72,300	...	87,72,300
39	XLVI-A. Receipts from Road Transport Schemes—Work- ing Expenses	34,59,000	...	34,59,000
40	Capital outlay not met from Revenue— 68 Construction of I.N.E. and D. Works outside the Revenue Account	96,08,000	...	96,08,000
41	70 Capital outlay on Improvement of Public Health	8,15,000	...	8,15,000
42	72 Capital outlay on Industrial Development	2,85,92,000	...	2,85,92,000
43	81-A. Capital outlay on Electricity Schemes	4,16,33,000	...	4,16,33,000
44	82-B. Capital outlay on Road Transport Schemes	7,50,000	...	7,50,000
45	85-A. Capital outlay on Provincial Schemes of State Trading	20,00,000	...	20,00,000
46	Loans and Advances by the State Government	1,25,44,500	...	1,25,44,500
	Total	23,67,59,900	75,62,800	29,43,22,700

Statement of Objects and Reasons.

This Bill is introduced in pursuance of Article 204 of the Constitution of India to provide for the appropriation out of the Consolidated Fund of the State moneys required to meet the expenditure charged on the Consolidated Fund and the grants made by the State Legislative Assembly for expenditure of the State Government for 1951-52.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Legal Department



The Mysore Gazette

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EXTRAORDINARY

BANGALORE, SATURDAY, MARCH 31, 1951

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER
MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. S. R. 8058—Regis. 27-50-2 dated Bangalore, the 31st March 1951.

In exercise of the powers conferred by Section 78 of the Mysore Registration Act, 1903, as amended from time to time, His Highness the Maharaja of Mysore is pleased to direct that the table of Registration fees be revised as per the Schedule enclosed and that the revised scale of fees be levied with effect from 1st April 1951.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,
*Secretary to Government,
Revenue Department.*



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BANGALORE, SUNDAY, APRIL 1, 1951.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER
MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. Fl. 1—S.T. 8-50-12, dated Bangalore, 1st April 1951.

In exercise of the powers conferred by the proviso to sub-section (4) of Section 3 of the Mysore Sales Tax Act, 1948 (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the rules for the computation of turnover contained in the schedule to the said Act:—

Amendments.

1. For rule 1 of the Rules for the computation of turnover, the following rule shall be substituted, namely:—

“1. (1) Save as provided in sub-rule (2) the gross turnover of a dealer shall be the amount for which goods are sold by him.

(2) In the case of untanned hides and skins bought by a licensed tanner in Mysore, the gross turnover of a dealer shall be the amount for which the goods are bought by him.

Explanation.—For the purposes of sub-rule (1), the amount for which goods are sold by dealer shall, in relation to a Works Contract, be deemed to be the amount payable to the dealer for carrying out such contract less a sum not exceeding such percentage of the amount payable as may be fixed by the Government, from time to time for different areas, representing the usual proportion in such areas of the cost of labour to the cost of materials used in carrying out such contract, subject to the following maximum percentages:—

	<i>Per cent.</i>
(a) In the case of an Electrical Contract ...	20
(b) In the case of a Structural Contract....	30
(c) In the case of a Sanitary Contract ...	33½
(d) In the case of other Contracts	30 "

By Order of His Highness the Maharaja,

M. SHAMANNA,
Secretary to Government,
Finance Department.



The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, MONDAY, APRIL 2, 1951.

PART IV

Section 2-A

**BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON
AND ACTS AND ORDINANCES OF MYSORE.**

NOTIFICATION.

No. L.D. 1—Legis. 1 51-1, Bangalore, dated 2nd April 1951.

Ordered that the accompanying Mysore Appropriation No. 2 Act, 1951, which received the assent of His Highness the Maharaja, on the 31st day of March 1951 be published as Mysore Act No. X of 1951, in the *Mysore Gazette*, for general information.

MYSORE ACT NO. X OF 1951.

THE MYSORE APPROPRIATION No. 2 Act, 1951.

*(Received the assent of His Highness the Maharaja
on the 31st day of March 1951.)*

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one.

Preamble

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Appropriation No. 2. Act, 1951.

Issue of
Rupees
7,64,000
out of the
Consolidated
Fund of the
State for the
year 1950-51.

2. From and out of the Consolidated Fund of the State there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of seven lakhs sixty-four thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one.

SCHEDULE.

[See sections 2 and 3]

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1	2	3
No. of vote	Services and purposes	Sums not exceeding
		Voted by the Legislative Assembly
	A. Expenditure met from Revenue.	Rs.
1	1. Land Revenue	4,97,000
7	12. General Administration	17,000
32	II Forest—1. Sandal Oil— Operation Expenses	2,50,000
	Total	7,64,000

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*



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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, MONDAY, APRIL 2, 1951.

PART IV

Section 2-A.

**BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON
AND ACTS AND ORDINANCES OF MYSORE.**

NOTIFICATION.

Order No. L.D. 2—Legis. 2-51-1, Bangalore, dated 2nd April 1951.

Ordered that the accompanying Mysore Appropriation No. 3 Act, 1951, which received the assent of His Highness the Maharaja, on the 31st day of March 1951 be published as Mysore Act No. XI of 1951, in the *Mysore Gazette*, for general information.

MYSORE ACT No. XI OF 1951.

THE MYSORE APPROPRIATION No. 3 ACT, 1951.

(Received the assent of His Highness the Maharaja on the 31st day of March 1951.)

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

Preamble.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore Appropriation No. 3 Act, 1951.

Issue of
Rupees
29,43,22,700
out of the
Consolidated
Fund of the
State for the
year 1951-52.

2. From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two thousand nine hundred and forty-three lakhs, twenty-two thousand and seven hundred rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

SCHEDULE.

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(See sections 2 and 3)

No. of vote	1	2	3		
			Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
		Services and purposes			
		A. EXPENDITURE MET FROM REVENUE.	Rs.	Rs.	Rs.
1	7	Land Revenue	25,21,000	...	25,21,000
2	8	State Excise Duties	16,90,000	...	16,90,000
	9	Stamps	1,89,000	...	1,89,000
4	10	Forest	37,66,000	...	37,66,000
5	11	Registration	4,29,000	...	4,29,000
6	12	Charges on account of Motor Vehicles Acts ...	6,56,000	...	6,56,000
7	13	Other Taxes and Duties	4,28,000	...	4,28,000
8	18	Other Revenue Expenditure financed from Ordinary Revenue ...	48,01,000	...	48,01,000
9	19	Construction of Irrigation, Navigation, Embankment and Drainage Works ...	30,75,000	...	30,75,000
10	22	Interest on Debt and other obligations ...	...	...	...
	17	Interest on works for which capital accounts are kept ...	34,20,000	47,91,000	82,11,000
	52	Interest on capital outlay on Electricity Schemes ...	...	...	...
	23	Appropriation for Reduction or avoidance of Debt ...	...	20,00,000	20,00,000
11	25	General Administration (except B. C. and F.) ...	25,43,000	3,87,600	29,30,600
12	25	Do (B. Parliament and the State Legislature and C. Elections for Legislature) ...	10,15,600	16,800	10,32,400
13	25	General Administration (F. District Administration) ...	31,20,900	...	31,20,000
14	27	Administration of Justice	23,95,600	2,67,400	23,63,000
15	28	Jails	6,84,000	...	6,84,000
16		Police	91,75,000	...	91,75,000
17	36	Scientific Departments	2,82,000	...	2,82,000
18	37	Education	3,08,96,000	...	3,08,96,000
19	38	Medical	92,24,000	...	92,24,000
		Public Health	42,68,000	...	42,68,000
21	40	Agriculture (except Horticulture)	60,24,700	...	60,24,700
22	40 (b)	Botanical and Other Public Gardens	8,05,800	...	8,05,800
23	40A.	Rural Department	54,69,000	...	54,69,000
24	41	Veterinary charges	23,47,000	...	23,47,000
	42	Co-operation	5,24,000	...	5,24,000
	43	Industries and Supplies except Sericulture	35,73,600	...	35,73,600

No. of vote	1	2	3		
			Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
		Services and purposes	Rs.	Rs.	Rs.
27	43 a-4.	Sericulture	10,85,400	...	10,85,400
28	47	Miscellaneous Departments	12,81,000	...	12,81,000
29	50	Civil Works	2,02,50,500	...	2,02,50,500
30	54A.	Territorial and Political Pensions	2,85,000	...	2,85,000
31	55	Superannuation Allowances and Pensions	87,04,000	1,00,000	88,04,000
32	56	Stationery and Printing	14,25,000	...	14,25,000
33	57	Miscellaneous	13,07,000	...	13,07,000
34	63	Extraordinary charges	19,50,000	...	19,50,000
35	X.	Forest—3. (i) Wood Preservation Plant—Working Expenses and Seigniorage	3,00,000	...	3,00,000
36	XVII.	I.N.E. and D. Works for which capital accounts are kept—Working Expenses	24,66,300	...	24,66,300
37	XXXII.	Industries and Supplies—(a) Industries—Working Expenses	4,65,65,100	...	4,65,65,100
38	XLI.	Receipts from Electricity Scheme—Working Expenses	87,72,300	...	87,72,300
39	XLVI-A.	Receipts from Road Transport Schemes—Working Expenses	34,59,000	...	34,59,000
40		Capital outlay not met from Revenue—63 Construction of I.N.E. and D. Works outside the Revenue Account	96,03,000	...	96,03,000
41	70	Capital outlay on Improvement of Public Health	8,15,000	...	8,15,000
42	72	Capital outlay on Industrial Development	2,35,92,000	...	2,35,92,000
43	81-A.	Capital outlay on Electricity Schemes	4,16,33,000	...	4,16,33,000
44	82-B.	Capital outlay on Road Transport Schemes	7,50,000	...	7,50,000
45	85-A.	Capital outlay on Provincial Schemes of State Trading	20,00,000	...	20,00,000
46		Loans and Advances by the State Government	1,25,44,500	...	1,25,44,500
		Total	23,67,59,900	75,62,800	29,43,22,700

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
*Legal Remembrancer and
Secretary to Government,
Law Department.*



The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, TUESDAY, APRIL 3, 1951.

PART IV

Section 2-A

**BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON
AND ACTS AND ORDINANCES OF MYSORE.**

NOTIFICATION.

Order No. L.D. 10—Legis. 7-51-1, dated Bangalore, 3rd April 1951.

Ordered that the accompanying Mysore Motor Vehicles Taxation and Tolls Act, 1951, which received the assent of His Highness the Maharaja, on the 31st day of March 1951, be published as Mysore Act No. XII of 1951, in the *Mysore Gazette*, for general information.

THE MYSORE MOTOR VEHICLES TAXATION AND TOLLS ACT, 1951.

ARRANGEMENT OF SECTIONS.

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II.

TAXATION.

3. Levy of taxes on motor vehicles.
4. Payment of tax and issue of licence.
5. Carriage of tax licence on vehicle.
6. Penalty for failure to pay tax.
7. Recovery of tax as an arrear of land revenue.
8. Exemption from or reduction of tax.

CHAPTER III.

TOLLS.

9. Power to cause levy of tolls on roads and bridges and to appoint collectors.
10. Establishment of toll bars.
11. Recovery of toll.
12. Evasion of payment of toll.
13. Penalty.
14. Penalty for fraudulently passing a toll bar.
15. Composition of tolls.
16. Composition of tolls in respect of a single toll bar.
17. Exemption from or reduction of toll.

CHAPTER IV.

MISCELLANEOUS.

18. Crediting of the proceeds of taxes and tolls.
19. Utilisation of the proceeds of taxes and tolls.
20. Savings as to vehicles used for agricultural purposes.
21. Municipalities not to levy taxes or tolls on motor vehicles.
22. Payment to District Boards and Municipalities for loss of tolls and vehicles tax.
23. Jurisdiction of courts.
24. Officers to be deemed public servants.
25. Protection of action taken in good faith.
26. Power of Government to make rules.
27. Penalty for offences for which no other penalty is provided for.
28. Repeal and savings.

THE MYSORE MOTOR VEHICLES TAXATION AND
TOLLS ACT, 1951.

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*(Received the assent of His Highness the Maharaja
on the 31st day of March 1951).*

An Act to consolidate and amend the law relating to the levy of taxes on motor vehicles and tolls in the State of Mysore.

WHEREAS it is expedient to consolidate and amend the law relating to the levy of taxes on motor vehicles and tolls in the State of Mysore;

Preamble.

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Motor Vehicles Taxation and Tolls Act, 1951. Short title, extent and commencement.
- (2) It extends to the whole of the State of Mysore.
- (3) It shall come into force on the 1st day of April, 1951.

2. In this Act, unless there is anything repugnant in the subject or context;—

Definitions.

- (1) "Motor Vehicles Act, 1939" means the Motor Vehicles Act, 1939; (Central Act IV of 1939);
- (2) The following expressions shall have the meanings assigned to them respectively in the Motor Vehicles Act, 1939,—
- (a) "contract carriage,"
- (b) "goods,"
- (c) "goods vehicles,"

(d) "invalid carriage,"

(e) "motor cab,"

(f) "motor cycle,"

(g) "motor vehicles,"

(h) "stage carriage,"

(i) "trailer,"

(j) "unladen weight,"

(3) "Government" means the State Government;

(4) "laden weight" in relation to—

(a) a motor vehicle means, in case a permit is issued to the vehicle under the Motor Vehicles Act, 1939, the maximum laden weight specified in such permit; if no such permit is issued, the maximum laden weight specified in the registration certificate of the vehicle, and, if such weight is not specified in such certificate, the maximum laden weight of the vehicle determined in such manner as the licensing officer may deem fit;

(b) a trailer means, in case a permit is issued under the Motor Vehicles Act, 1939, to a vehicle to which the trailer is attached the maximum laden weight prescribed in such permit in respect of the trailer; if, no such permit is issued, the maximum laden weight specified in respect of the trailer in the registration certificate of the vehicle, to which the trailer is attached, and, if such weight is not specified in such certificate, the maximum laden weight of the trailer determined in such manner as the licensing officer may deem fit;

(5) "licensing officer" means an officer appointed by the Government to exercise the powers and perform the functions of a licensing officer under this Act;

(6) "local authority" means the Corporation of the City of Bangalore, a City Municipal Council or such Town Municipal Council or Sanitary Board or Town Board as the Government may specify by notification;

(7) "notification" means a notification published in the *Mysore Gazette*;

(8) "prescribed" means prescribed by rules made under this Act;

(9) "public road" means any street, road, square, court, alley, passage, or riding path over which the public have a right of way, whether a thoroughfare or not, and includes the roadway over any public bridge or causeway;

(10) "registered owner" means a person in whose name a motor vehicle or trailer is registered under the Motor Vehicles Act, 1939;

(11) "schedule" means a schedule to this Act;

(12) "side car" means a wheeled carrier attached to a motor vehicle which rests on not more than two wheels;

(13) "tax" means a tax levied under this Act;

(14) "tax licence" means the document issued by a licensing officer in respect of any motor vehicle indicating that taxes leviable on that vehicle under this Act have been paid;

(15) "year" means the financial year; "half-year" means the first six months or the second six months of such year; and "quarter" means the first three months or the second three months of the half-year.

CHAPTER II.

TAXATION.

3. The Government may, by notification, from time to time, direct the levy of all or any of the following taxes on motor vehicles used, or kept for use, in the State at rates not exceeding those prescribed in the First Schedule and subject to the privileges, conditions, exemptions and limitations specified therein, that is to say,—

Levy of
taxes on motor
vehicles.

(a) a vehicle tax on motor cycles, invalid carriages, motor cars and goods vehicles used solely for purposes of agriculture;

(b) a road tax on goods vehicles;

(c) a service tax on public service vehicles used for carrying passengers; and

(d) a mileage cess on stage and contract carriages excluding motor cabs.

Payment of
tax and issue
of licence.

4. (1) After the issue of a notification under section 3, no motor vehicle shall be used on any public road in the State, unless the registered owner, or the person having possession or control, of such vehicle has obtained a tax licence under sub-section (7) in respect of the vehicle.

(2) The vehicle tax levied under section 3 shall be payable for the year and in advance by the registered owner, or the person having possession or control, of the motor vehicle :

Provided that the Government may, by notification, allow payment of the tax for half-yearly periods at the rate of half the tax payable for the year.

(3) Taxes other than the vehicle tax shall be payable for the quarter and in advance. The taxes due for two or more consecutive quarters of the same year may be paid in advance.

(4) Notwithstanding anything contained in section 3 and sub-sections (2) and (3) of this section, the Government may, by notification from time to time, direct the levy of taxes, at rates not exceeding those specified in Part E of the First Schedule, on motor vehicles belonging to, or in the possession and control, of persons, not ordinarily residing in the State and used or kept for use in Mysore by such persons for periods shorter than the half-year or the quarter, as the case may be, but not exceeding thirty days at a time. The levy of the taxes shall be subject to such conditions as may be specified by the Government in the said notification.

(5) Where a tax on any motor vehicle has been paid for any period and the vehicle has not been used during the whole of that period, or a continuous part thereof, not being less than one calendar month, a refund of the tax at such rates as may, from time to time, be specified by notification by the Government, shall be payable, subject to such conditions as may be specified in the said notification.

(6) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any period on any taxable motor vehicle, if the tax due on such vehicle for the same period has already been paid by some other person.

(7) When any person pays the amount of tax due on any taxable motor vehicle in the State, or proves to the satisfaction of the licensing officer that no tax is payable on any motor vehicle, the licensing officer shall—

- (i) grant to such person a tax licence, in such form as may be prescribed, to use the vehicle on public roads in the State for the period or periods concerned;
- (ii) record that the tax has been paid for a specified period or periods, or that no tax is payable on the vehicle, as the case may be, in the certificate of registration granted, or renewed, in respect of the vehicle under the Motor Vehicles Act, 1939, or, in the case of vehicles not registered under the said Act, in a certificate in such form as may be prescribed:

Provided that the Government may exempt from the provisions of this sub-section any person who has been exempted from the payment of the tax on any motor vehicle and prescribe the manner in which such exemption from payment of the tax is to be indicated.

5. (1) The tax licence granted in respect of a motor vehicle under sub-section (7) of section 4, shall be exhibited upon the vehicle in such manner as may be prescribed, and if such a licence is not so exhibited, the registered owner, or the person having possession or control, of such vehicle shall, on conviction, be punishable with fine which may extend to fifty rupees.

Carriage of
tax licence on
vehicle.

(2) The person in charge of any motor vehicle on any public road shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary, when required to do so by any police officer in uniform, not below the rank of Sub-Inspector, or, who, being below such rank, is empowered in this behalf by the Inspector-General of Police, Deputy Inspector-General of Police or the District Magistrate, for the purpose of satisfying himself that a tax licence has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a police officer or any other officer empowered under sub-section (2), shall, on conviction, be punishable with fine which may extend to fifty rupees.

Penalty for failure to pay tax.

6. If a tax due on any motor vehicle has not been paid, the registered owner, or the person having possession or control, of such vehicle shall, on conviction, be punishable with fine which may extend to fifty rupees; and the amount of the tax due by him on such vehicle shall also be recovered as if it were a fine.

Recovery of tax as an arrear of land revenue.

7. Any tax under this Act may also be recovered in the same manner as an arrear of land revenue. The motor vehicle on the tax is due or its accessories may be distrained or sold, whether such vehicle or accessories be, or be not in the possession or control of the person liable to pay the tax.

Exemption from or reduction of tax.

8. The Government may, by notification, exempt or reduce the rate of a tax payable—

- (i) by any person or class of persons, or
- (ii) in respect of any motor vehicle or class of motor vehicles.

CHAPTER III.

TOLLS.

Power to cause levy of tolls on roads and bridges and to appoint collectors.

9. Subject to the rules made by the Government in this behalf, the Government may cause such rates of tolls, not exceeding those specified in the Second Schedule, to be levied on any public road or bridge in the State, which has been, or shall hereafter be, constructed or repaired at the expense of the Government, or any District Board constituted under the Mysore District Boards Act, 1926, and may place the collection of such tolls under the management of any person and all persons employed in the management and collection of such tolls shall be liable to the same responsibility as would attach to them if employed in the collection of the land revenue.

Establishment of toll bars.

10. The Government may, from time to time, by notification declare the roads on which and the places where tolls shall be levied, and may abolish the collection of tolls on roads on which such tolls have been declared leviable, and may authorise the erection or removal of any toll bar for the purpose of carrying out the provisions of this section :

Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board, or to

abolish an existing toll bar on such a road, such District Board shall be consulted before a decision is reached.

11. (1) In case of non-payment of any toll on demand, the person appointed or duly authorised to collect the same, may seize any of the vehicles or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll. Recovery of toll.

(2) If any such toll remains unpaid for twenty-four hours after the property has been seized under sub-section (1), the said property shall, after twenty-four hours' notice, exclusive of Sunday or any public holiday, be sold by order of the officer authorised to superintend the collection of the said toll, by public auction in payment of the toll; and all expenses occasioned by such non-payment, seizure and sale, and any balance that may remain shall be returned, on demand, to the owner of the property:

Provided that, if at any time before the sale has actually begun, the person, whose property has been seized, tenders the amount of all the expenses incurred, and double the toll payable by him, the said officer shall forthwith release the property seized.

(3) Any amount due on account of toll may also be recovered as an arrear of land revenue.

12. No person shall, with intent to evade payment of toll, cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier. Evasion of payment of toll.

13. Every person who --

(a) not being a person appointed or authorised to collect tolls under this Act, levies or demands any toll on any public road or bridge or for passing through any bazaar situated on such road; or Penalty.

(b) unlawfully demands or takes any other or higher toll than the lawful toll; or

(c) under colour of this Act, seizes or sells any property knowing such seizure or sale to be unlawful, or in any manner unlawfully extorts money or any valuable thing from any person,

shall, on conviction before a magistrate, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees. Any part of such fine may be awarded by the magistrate to the person aggrieved.

Penalty for fraudulently passing a toll bar.

14. Any person who fraudulently or forcibly passes any toll bar, without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll, in the discharge of his duties, shall, on conviction, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to fifty rupees.

Composition of tolls.

15. (1) Subject to such conditions as may be prescribed, any person may, in respect of a motor cycle, an invalid carriage, motor car or motor cab belonging to him, pay in lieu of all tolls, other than those levied at toll bars established on any road or bridge specified in the Fourth Schedule or a road or bridge constructed after the 1st of January, 1936, for the recovery of the amount expended upon such road or bridge, a quarterly composition fee at rates not exceeding the maxima specified in Part A of the Third Schedule. The payment of such composition fee shall exempt such vehicle from tolls levied by any municipal council.

(2) The composition fee payable under sub-section (1), shall be paid for the quarter and in advance.

(3) Any such person may pay in advance the composition fee payable under sub-section (1) for two or more consecutive quarters in the same year. When the fee is so paid, such rebate shall be allowed as may, from time to time, be specified by notification by the Government.

Composition of tolls in respect of a single toll bar.

16. Subject to such conditions as may be prescribed, any person may, in respect of any motor cycle, or invalid carriage, or a motor car not exceeding thirty hundredweights in weight, unladen, and constructed or adapted for the carriage of not more than seven persons including the driver, or stage carriage, or a cart drawn by a single bullock or bullocks, pay in lieu of all tolls payable at any one toll bar established under this Act, other than a frontier toll bar, an annual composition fee at rates not exceeding the maxima specified in Part B of the Third Schedule:

Provided that such composition under this section shall not—

- (i) be allowed in respect of more than one toll bar for any such motor cycle, invalid carriage, motor car, stage carriage or cart; and
- (ii) exempt such cart from tolls when laden with timber.

17. The Government may, by notification, exempt, or reduce the rate of toll payable—

Exemption from or reduction of toll.

- (i) by any person or class of persons, and
- (ii) in respect of any vehicle or animal or classes of vehicles or animals.

CHAPTER IV.

MISCELLANEOUS.

18. All taxes and tolls collected under this Act and the Mysore Highways Act, 1920, shall be credited to such Head in the State Accounts as the Government may by order specify.

Crediting of the proceeds of taxes and tolls.

19. (1) The Head of State Accounts specified under section 18, shall be debited under the order of the Government with the following charges, that is to say,—

Utilisation of the proceeds of taxes and tolls.

(i) such amount as the Government may, from time to time, determine on account of the expenses incurred in giving effect to the provisions of this Act and of the Mysore Highways Act, 1920;

(ii) payments made to local authorities under section 23; and

(iii) allotments made at the discretion of the Government for such other purposes as may be consistent with, or necessary for, the more efficient administration of this Act and the Mysore Highways Act, 1920.

(2) After meeting the charges under sub-section (1) the balance of the money in the Head of State Account specified under section 18, shall be used for the construction and maintenance of roads and bridges.

Savings as to vehicles used for agricultural purposes.

20. No tax under this Act other than the vehicle tax shall be levied on any motor vehicle used solely for the purposes of agriculture.

Explanation.—A motor vehicle used for transporting agricultural produce along a public road shall not, for the purpose of this section, be deemed to be used solely for the purposes of agriculture.

Municipalities not to levy taxes or tolls on motor vehicles.

21. Notwithstanding anything contained in the City of Bangalore Municipal Corporation Act, 1949, the Mysore City Municipalities Act, 1933, the Mysore Town Municipalities Act, 1933, and the Mysore Minor Municipalities Act, 1933, the Corporation of the City of Bangalore or any Municipal Council shall not levy a tax on motor vehicles, or a toll on such motor vehicles as are exempted from payment of municipal tolls under this Act.

Payment to District Boards and Municipalities for loss of tolls and vehicles tax.

22. (1) From the proceeds of the taxes and the tolls collected under this Act, the Government shall pay annually to each District Board, which prior to 1st January, 1936, was levying tolls, and to each Municipal Council which prior to 1st January, 1936, was levying a vehicle tax on motor vehicles, a sum determined by the Government, after consulting the District Board or the Municipal Council concerned, as representing the average annual income of each District Board from tolls and of each Municipal Council from vehicle tax on motor vehicles during the three years ending with the 30th day of June, 1935, after deducting therefrom such expenses of collection as may be determined by the Government.

(2) The Government may prescribe the conditions that should be taken into consideration in determining the amounts payable to a local authority under sub-section (1).

(3) Once in every three years, the Government may, after consulting the District Board or the Municipal Council concerned, prescribe the manner in which and the periods for which the amount payable thereafter to such District Board or Municipal Council shall be paid.

(4) The amount recovered in respect of the composition of tolls under section 15, the proceeds of the service tax under clause (c) of section 3 on all public service

motor vehicles plying or used solely within the jurisdiction of a Municipal Council and the proceeds of the mileage cess under clause (d) of section 3, shall be apportioned between the respective local authorities and the Government in such manner as may be determined by orders made by the Government.

Explanation.—In this section the expression “Municipal Council” includes the Corporation of the City of Bangalore.

23. No court inferior to that of a Second Class Magistrate shall try any offence punishable under this Act. Jurisdiction of courts.

24. Every officer appointed by the Government for carrying out the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Officers to be deemed public servants.

25. No suit, prosecution, or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act. Protection of action taken in good faith.

26. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act. Power of Government to make rules.

(2) Any rule made under sub-section (1) may provide that a breach thereof shall, on conviction, be punishable with fine which may extend to fifty rupees.

27. Whoever contravenes any of the provisions of this Act, if no other penalty is elsewhere provided in this Act for such contravention, shall, on conviction, be punishable with fine which may extend to one hundred rupees. Penalty for offences for which no other penalty is provided for.

28. The Mysore Motor Vehicles and Road Traffic Act, 1944, (Mysore Act XXVII of 1944) in so far as it relates to the taxation of motor vehicles and tolls is hereby repealed. Repeal and savings.

Provided that—

(a) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the aforesaid Act or rules or orders thereunder;

(b) any appointment, notification, notice, order, licence, permission, rule, form, tax or toll, made, issued, given or levied, and toll bars established and any legal proceedings instituted under the aforesaid Act or rules or orders thereunder, shall continue in force and be deemed to have been respectively made, issued, given or levied and instituted under this Act until superseded by or under the provisions of this Act.

THE FIRST SCHEDULE.

PART A.

THE VEHICLE TAX.

(Section 3).

<i>Class of vehicles.</i>	<i>Annual tax.</i>
	Rs. a. p.
1. Motor cycles—	
(a) Solo	22 8 0
(b) With side cars or tricycles	28 8 0
2. Invalid carriages	22 8 0
3. Motor cars, constructed or adapted to carry in all not more than seven persons including the driver—	
(a) weighing not more than 15 cwts. unladen	45 0 0
(b) weighing more than 15 cwts. unladen	84 0 0
4. (a) Motor cars constructed or adapted to carry eight persons or more including the driver	90 0 0
(b) For heavy motor cars, i.e., motor cars exceeding two tons in weight, unladen	150 0 0
5. Goods vehicles used solely for purposes of agriculture.	90 0 0

Privileges and exemptions—

The vehicle shall be exempted from all municipal tolls.

PART B.

THE ROAD TAX.

(Section 3).

Class of vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels.	Other vehicles
	Rs. a. p.	Rs. a. p.
1. Goods vehicles without trailers—		
(a) not exceeding 15 cwts. in weight, laden.	34 0 0	51 0 0
(b) exceeding 15 cwts. but not exceeding 25 cwts. in weight, laden.	56 0 0	79 0 0
(c) exceeding 25 cwts. but not exceeding 30 cwts. in weight, laden.	79 0 0	101 0 0
(d) exceeding 30 cwts. but not exceeding 35 cwts. in weight, laden.	101 0 0	129 0 0
(e) exceeding 35 cwts. but not exceeding 50 cwts. in weight, laden.	127 0 0	169 0 0
(f) exceeding 50 cwts. but not exceeding 70 cwts. in weight, laden.	169 0 0	208 0 0
(g) exceeding 70 cwts. but not exceeding 100 cwts. in weight, laden.	197 0 0	254 0 0
(h) exceeding 100 cwts. but not exceeding 120 cwts. in weight, laden.	225 0 0	300 0 0
(i) exceeding 120 cwts. but not exceeding 150 cwts. in weight, laden.	250 0 0	350 0 0
(j) exceeding 150 cwts. but not exceeding 180 cwts. in weight, laden.	275 0 0	400 0 0
(k) exceeding 180 cwts. in weight, laden.	300 0 0	450 0 0
2. Additional tax payable in respect of the vehicles specified in paragraph 1 when used for drawing trailers.—		
(i) for each trailer not exceeding one ton in weight, laden.	67 8 0	96 0 0
(ii) for each trailer exceeding one ton in weight, laden.	140 0 0	169 0 0

Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.

3. Goods vehicles used for the carriage or haulage of goods and passengers.

(a) A tax as on a goods vehicle under items 1 and 2 above, having a weight which bears to the laden weight of the vehicle the same proportion as the floor area set apart for the carriage of goods, bears to the total floor area of the vehicle, together with,

(b) a service tax calculated at the rate specified in Part C of this Schedule for every passenger which the vehicle is licensed to carry, and

(c) a mileage cess as on stage carriages under Part D of this Schedule.

Explanation.—The expression "Goods" in item 3 above does not include light personal effects of passengers.

Provisos.—

1. (a) Goods vehicles shall be exempted from tolls other than those levied by a municipal council in the area in which they have the permit.

(b) While working outside the said area on special permits, they shall be liable to both Government and municipal tolls.

(c) Such vehicle shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides, or of that in the limits of which he carries on the business in respect of which the vehicle is used, at his option which shall be exercised at the time of the payment of the tax.

Such vehicle when kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such vehicle shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

2. Goods vehicles shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit, provided that, on roads which the Government may, by notification, declare as competing with the Railways in respect of traffic, they may be subjected to the payment of tolls.

3. The provisos to Part C and D of this Schedule shall also be applicable to the cases of vehicles under item 3.

4. In provisos (1) and (2) the expressions "municipal council" and "municipality" include respectively Corporation of the City of Bangalore and the area within the jurisdiction of the said Corporation.

PART C.

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SERVICE TAX.

(Section 3.)

Classes of vehicles	Quarterly tax					
	Vehicles fitted with pneumatic tyres on all wheels			Other vehicles		
	Rs.	a.	p.	Rs.	a.	p.
1. Motor cabs and other contract carriages other than those specified in paragraph 3—						
(a) licensed to carry in all not more than two persons,	15	0	0	22	8	0
(b) licensed to carry three persons ...	22	8	0	33	12	0
(c) licensed to carry four persons ...	60	0	0	90	0	0
(d) licensed to carry more than four persons, for every person whom the vehicle is so licensed to carry.	15	0	0	22	8	0
2. Stage carriages for every person, whom the vehicle is licensed to carry—						
(a) plying on routes within the limits of the City of Bangalore, Mysore City, Kolar Gold Field Sanitary Board, and Shimoga Town...	10	0	0	15	0	0
(b) plying on other routes ...	7	8	0	11	4	0
3. Motor cabs and other contract carriages used for hire for a strictly limited purpose.	75	0	0	112	8	0

Provisos—

1. In the case of motor cabs one seat for the driver, and in the case of other contract carriages having a seating capacity of more than six passengers and stage carriages two seats, one for the driver and one for the conductor, shall not be taken into account for purposes of calculating the tax.

2. A motor vehicle is said to be used for hire for a strictly limited purpose when it satisfies the following conditions:—

- The vehicle is owned by a public institution like a hotel or school.
- It is used exclusively for the business of such institution; that is to say, for the conveyance of its members, clients or workmen.

(c) It is used within the limits of the municipality in which it is kept.

(d) It is not available for hire by the general public.

3. Motor cabs, other contract carriages and stage carriages paying service tax, shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides, or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

A motor cab, other contract carriage or stage carriage when kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such vehicle shall be free from tolls at the municipality elected and declared by the owner at the time of payment of the tax, provided that the declaration made shall not be subject to variation during the year.

4. In provisos 2 and 3 the expressions "Municipal Council" and "Municipality" include respectively the Corporation of the City of Bangalore and the area within the jurisdiction of the said Corporation.

PART D.

MILEAGE CESS.

(Section 3.)

<i>Class of vehicles.</i>	<i>Rate of Tax.</i>
1. Stage carriages.—	
(a) when plying on State Fund Roads— cement concreted or tarred—on ordinary permits as part of regular service.	One anna per mile.
(b) when plying on State Fund Roads other than cement concreted or tarred roads, on ordinary permits as part of regular service.	Eight pies per mile.
(c) when plying on roads other than those specified in (a) and (b) above on ordinary permits as part of regular service.	Seven pies per mile.
(d) when plying on any of the roads specified in (a), (b) and (c) above on special permits.	One and a half times the rates fixed in I (a), (b) and (c) above, as the case may be.
2. Contract carriages— With seating capacity for more than six persons.	Do

Provisos—

1. Stage and contract carriages paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council or the Corporation of the City of Bangalore, except those levied at toll bars established on any road or bridge specified in the Fourth Schedule or a road or bridge constructed after the 1st of January, 1936, for the recovery of the amount expended on such road or bridge.

2. Stage carriages plying solely within the limits of the corporation of the City of Bangalore, or the Kolar Gold Field Sanitary Board or within the municipal area of Shimoga Town, or of the Mysore City Municipality are exempt from payment of the mileage cess specified in Part D of the First Schedule.

3. Stage carriages plying for hire between Kuppam and Palamnair on the Kuppam-Palamnair road are exempt from payment of mileage cess. The service tax payable by the said stage carriages is also reduced to annas twelve per seat per quarter, subject a minimum of rupees fifteen per vehicle per quarter.

PART E.

VEHICLE TAX.

[Sections 3 and 4—sub-section (4)]

Class of vehicles	For periods not exceeding seven days at a time	For periods exceeding seven days but not exceeding thirty days at a time
1. Motor cycles—	Rs. a. p.	Rs. a. p.
(a) Solo ...	1 14 0	5 10 0
(b) With side car or tricycles ...	2 10 0	7 8 0
2. Invalid carriages ...	1 14 0	5 10 0
3. Motor cars constructed or adapted to carry in all not more than seven persons including the driver—		
(a) weighing not more than 15 cwts., unladen ...	4 8 0	13 2 0
(b) weighing more than 15 cwts., unladen ...	6 6 0	18 12 0
4. Motor cars constructed or adapted to carry eight persons or more including the driver ...	15 0 0	45 0 0

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ROAD TAX.

Class of vehicles	For periods not exceeding seven days at a time	For periods exceeding seven days, but not exceeding thirty days at a time
GOODS VEHICLES.	Rs. a. p.	Rs. a. p.
(a) not exceeding 15 cwts. in weight, laden.	6 12 0	13 8 0
(b) exceeding 15 cwts. but not exceeding 30 cwts. in weight, laden.	15 12 0	31 8 0
(c) exceeding 30 cwts. but not exceeding 50 cwts. in weight, laden.	25 4 0	50 8 0
(d) exceeding 50 cwts. in weight, laden.	56 4 0	112 8 0

SERVICE TAX.

Class of Vehicles	For periods not exceeding seven days at a time.	For periods exceeding seven days but not exceeding thirty days at a time
	Rs. a. p.	Rs. a. p.
Motor cars, stage and contract carriages.—		
For every person the vehicle is licensed to carry.	1 8 0	3 0 0

MILEAGE CESS.

Stage and contract carriages with seating capacity for more than six persons. One and a half times the rates fixed in 1(a), (b) and (c) of Part D of this Schedule.

Provisos:—

(1) In all cases, vehicles not fitted with pneumatic tyres on all wheels shall be liable to one and half times the rate of tax prescribed above for the respective class of the vehicle.

(2) The vehicles liable to the vehicle tax, the road tax, the service tax and the mileage cess shall be subject to the privileges, conditions, exemptions and limitations specified in the parts relating to that tax.

THE SECOND SCHEDULE.

Rates of Tolls.

(Section 9.)

A. MOTOR VEHICLES.

	Rs.	a.	p.
1 On every motor cycle with or without side-car and invalid carriage.	0	4	0
2 On every motor car or motor cab constructed or adapted to carry not more than seven persons including the driver.	1	0	0
3 On every four-wheeled motor vehicle constructed or adapted to carry eight persons or more including the driver.	2	0	0
4 On every goods vehicle ...	3	0	0
5 On every four-wheeled vehicle propelled by steam or motor power other than those specified above.	3	0	0
6 On every four-wheeled vehicle of the categories mentioned in items 4 and 5 above, if laden with timber, and entering the State at a frontier toll-bar.	6	0	0

B. VEHICLES OTHER THAN MOTOR AND STEAM VEHICLES.

	Rs.	a.	p.
1 On every four-wheeled carriage ...	0	8	0
2 On every two-wheeled carriage on springs, other than a jutka or ekka.	0	4	0
3 On every ekka or jutka, laden...	0	2	0
4 On every ekka or jutka, unladen ...	0	1	0
5 On every other vehicle on springs excluding a tricycle and a bicycle.	0	2	0
6 On every cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden.	1	0	0
7 On every cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if not laden.	0	8	0
8 On every cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if laden.	0	8	0
9 On every cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if not laden.	0	4	0
10 On every cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden.	0	6	0

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		Rs. a. p.
11	On every cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if not laden.	0 3 0
12	On every cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden.	0 4 0
13	On every cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if not laden.	0 2 0
14	On every cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden.	0 2 0
15	On every cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden.	0 1 0
16	On every cart or other vehicle, if laden with timber and entering the State at a frontier toll bar.	3 0 0

C. ANIMALS, PALANQUINS, ETC.

1	On every buffalo or bullock per head, if laden	...	0 1 0
2	On every buffalo or bullock per head, if not laden	...	0 0 6
3	On every elephant	...	1 0 0
4	On every camel, if laden	...	0 4 0
5	On every camel, if not laden	...	0 2 0
6	On every horse, if laden or ridden	...	0 1 6
7	On every horse, if unladen or not ridden	...	0 0 9
8	On every thattu or mule, if laden or ridden	...	0 0 9
9	On every thattu or mule, if unladen or led	...	0 0 6
10	On every ass, if laden or ridden	...	0 0 6
11	On every Palanquin, dooly, palna or tonjon with two bearers or rickshaw.	...	0 2 0
12	On every palanquin, dooly, palna or tonjon with more than two bearers.	...	0 4 0

Provisos—

1. Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B, if laden and entering the State at a frontier toll bar.

2. Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12, and 14 of B, when such carts are laden with timber.

3. The Government may prescribe lower rates of tolls than those prescribed in this Schedule on carts fitted with tyres over 2½ inches in width or with pneumatic tyres.

THE THIRD SCHEDULE.

300

PART A.

(Section 15.)

RATE OF FEE FOR COMPOSITION OF TOLLS ON
MOTOR VEHICLES.

Class of vehicles	Fees per quarter	
	For vehicles fitted with pneumatic tyres on all wheels	For other vehicles
1. MOTOR CYCLES AND INVALID CARRIAGES.	Rs. a. p.	Rs. a. p.
(a) Motor cycles with two wheels ...	7 8 0	10 0 0
(b) Motor cycles if used for drawing a trailer or side-car.	10 0 0	12 0 0
(c) Motor cycles with three wheels ...	10 0 0	12 8 0
(d) Invalid carriages ...	7 8 0	10 0 0
2. MOTOR CARS AND MOTOR CABS.		
(a) Weighing not more than 15 cwts. unladen.	17 8 0	25 0 0
(b) Weighing more than 15 cwts. but not more than 30 cwts. unladen.	25 0 0	37 8 0
(c) Weighing more than 30 cwts. but not more than 45 cwts. unladen.	32 8 0	50 0 0
(d) Weighing more than 45 cwts. but not more than 60 cwts. unladen.	40 0 0	60 0 0
(e) Weighing more than 60 cwts. unladen.	50 0 0	75 0 0
(f) Additional fee payable in respect of such vehicles when used for drawing trailers :—		
(i) For each trailer not exceeding one ton in weight, unladen.	10 0 0	15 0 0
(ii) For each trailer exceeding one ton in weight, unladen.	20 0 0	30 0 0

Provided that two or more vehicles shall not be chargeable under this class in respect of the same trailer.

PART B.

300

(Section 16.)

RATE OF FEE FOR COMPOSITION IN RESPECT OF
A SINGLE TOLL BAR FOR CERTAIN VEHICLES.

Class of vehicle	Amount of annual fee		
	Rs.	a.	p.
(a) Motor cycles and invalid carriages ...	15	0	0
(b) Motor cars weighing not more than 30 cwts. in weight, unladen and not constructed or adapted to carry more than seven persons including the driver.	30	0	0
(c) Stage carriages ...	200	0	0
(d) Carts drawn by a single bullock or two bullocks.	7	8	0

THE FOURTH SCHEDULE.

(Section 15.)

ROADS AND BRIDGES.

- (i) The road and bridge over ... the Cauvery at T. Narsipur.
(ii) Do ... the Cauvery at Krishnarajasagara
(iii) Do ... the Hemavati at Akkihebbal.
(iv) Do ... the Hemavati at Gorur.
(v) Do ... the Thunga at Thirthahalli.
(vi) Do ... the Karagally in the Jog area.
(vii) Do ... the Cauvery at Ramanathpur.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*



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PART IV

Section I-B

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 4—Legis. 2-50-70, dated Bangalore, 2nd April 1951.

Ordered that the accompanying Taxation on Income (Investigation Commission), Amendment Act, 1951 (Central Act No. XI of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 24th March 1951, be republished in the *Mysore Gazette*, for general information.

Received assent on 21st March 1951.

TAXATION ON INCOME (INVESTIGATION COMMISSION) AMENDMENT ACT, 1951 (XI OF 1951).

AN

ACT

further to amend the Taxation on Income (Investigation Commission) Act, 1947.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Taxation on Income (Investigation Commission) Amendment Act, 1951.

2. Amendment of section 4, Act XXX of 1947.—In sub-section (3) of section 4 of the Taxation on Income (Investigation Commission) Act, 1947, for the words and figures "may extend its term of appointment for any period up to the 31st day of March 1951" the words "may if it thinks fit, extend its term of appointment from time to time and when the Central Government at any time extends the term of appointment of the Commission, it shall cause a copy of the order of extension to be laid before Parliament as soon as may be after it is made" shall be substituted.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*

Section I-C.

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**NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL
ACTS AND ORDINANCES WHICH APPLY TO MYSORE.**

NOTIFICATION.

No. L.D. 3503—Legis: 4-50-108, dated Bangalore, 21st March 1951.

Ordered that the accompanying Notification No. S.R.O. 335A, dated the 8th March 1951, of the Ministry of Commerce and Industry publishing the Newsprint Control Order, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 8th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION

NEWSPRINT CONTROL ORDER, 1951.

New Delhi, the 8th March 1951.

S.R.O. 335A.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby makes the following Order, namely:—

THE NEWSPRINT CONTROL ORDER, 1951.

1. Short title, extent and commencement.—(1) This Order may be called the Newsprint Control Order, 1951.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on the 12th March 1951.

2. Definitions.—In this Order—

- (a) "newspaper" means any periodical publication printed on newsprint appearing at regular intervals of not more than one month ;
- (b) "newsprint" means white printing paper in reels or in sheets, the fibre content of which comprises not less than 70 per cent of mechanical wood pulp, and which weighs not less than 40 grammes per square metre ;
- (c) "daily newspaper" means a newspaper which is published on not less than 6 days in a week and includes any Supplement or Special edition of such newspaper, whether or not such supplement or special edition is separately registered under the Press and Registration of Books Act, 1867 (XXV of 1867) ;

Explanation.—The expression "special edition" includes a weekly edition whether appearing under the same title as the daily newspaper or a different title.

- (d) "weekly newspaper" means a newspaper published once a week ;
- (e) "week" means a period of seven consecutive days beginning with a Monday ;
- (f) "schedule" means a schedule to this Order.

3. *Restriction on use of newsprint.*—No person shall use newsprint for any purpose other than that of printing a newspaper, except under a General or Special permission in writing granted by the Central Government or by an officer authorised by the Central Government in this behalf.

4. *Maximum size of page of newspaper.*—No person shall publish any daily or weekly newspaper any page of which, including margins and other spaces clear of print, exceeds 432 square inches in area.

5. *Weekly quota of pages.*—(1) Subject to the provisions of clause 6, the total number of pages, in all the issues of a daily newspaper published during a week, or in a weekly newspaper, shall not exceed the quota assigned in schedule I to a newspaper of that class and price.

(2) For the purposes of this clause, a daily and a weekly newspaper shall be classified as Class A, Class B, Class C, Class D or Class E according as the area of the page of the newspaper, including margins and other spaces clear of print is 432 square inches or less than 432 square inches but not less than 372 square inches, less than 372 square inches but not less than 200 square inches, less than 200 square inches but not less than 150 square inches, less than 150 square inches but not less than 75 square inches, or is less than 75 square inches.

Explanation.—Where the page of a newspaper varies in size from time to time, the area of the page of the newspaper for the purpose of this clause shall be the area of the largest page.

6. *Larger quota to daily newspaper under certain conditions.*—Notwithstanding anything contained in clause 5, the proprietor of a daily newspaper classified as Class A and priced at one anna shall be entitled to publish once a week a higher priced issue and thereupon the weekly quota of such newspaper shall be—

(a) in the case of a daily newspaper published on 6 days, the average quota of such newspaper for 5 days plus the number of pages permitted to a weekly

news paper of the price equivalent to the price of the higher priced issue of the daily newspaper; and

(b) in the case of a daily newspaper published on 7 days, the average quota of such newspaper for 6 days *plus* the number of pages permitted to a weekly newspaper of the price equivalent to the price of the higher priced issue of the daily newspaper.

Explanation.—In calculating the weekly quota under this clause a fraction of less than one shall be disregarded.

Illustration I.—If a one-anna newspaper, which is published on 6 days, brings out a 2-anna issue on any one of those 6 days, its weekly quota would then be $22 \times 5/6$ or $18\frac{3}{4}$ *plus* 8 (which is the number of pages permitted to a 2-anna weekly newspaper), the total being 26.

Illustration II.—If a one-anna newspaper, which is published on 7 days, brings out a 2-anna issue on any one of those 7 days, its weekly quota would be $26 \times 6/7$ or $22\frac{23}{7}$ *plus* 8 (which is the number of pages permitted to a 2-anna weekly newspaper) the total being 30 pages.

7. *Determination of disputes.*—If any dispute arises as to the classification of a newspaper under clause 5, it shall be referred to the Central Government and the decision of the Central Government thereon shall be final.

8. *Power to require sale of newsprint.*—The Central Government, if it considers it necessary or expedient to do so, may direct any person, other than the proprietor of a newspaper, to sell or otherwise transfer any newsprint in his possession or under his control to such other person as may be specified in the direction, and thereupon the first named person shall comply with the direction.

9. *Submission of returns by importers of newsprint.*—The proprietor of a newspaper or any other person who imports or otherwise acquires newsprint from outside India shall, within seven days of such import or acquisition, send an intimation in writing to the Secretary to the Government of India, Ministry of Commerce and Industry, New Delhi, giving full details as to the quantity of, and the source from which, such newsprint was so imported or acquired.

10. *Submission of monthly returns.*—Every proprietor of a newspaper and every person carrying on any undertaking which involves the sale, storage or distribution of newsprint shall submit to the Secretary to the Government of India, Ministry of Commerce and Industry, New Delhi, on or before the 7th day of every month a true return in the form specified in Schedule II, of the quantity of newsprint held, acquired, consumed or otherwise disposed of by him during the preceding calendar month.

11. *Power to relax any provision of this Order.*—The Central Government may, in any special case, authorise in writing the doing of any act which would otherwise be prohibited by this Order.

12. *Repeal.*—The Newsprint Control Order, 1950, is hereby repealed:

Provided that anything done or any action taken in the exercise of any power conferred by the said order shall be deemed to have been done or taken in the exercise of the powers conferred by this order as if this order was in force on the day on which such thing was done or action was taken.

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SCHEDULE I.

(See clause 5).

Quota of pages for one week in the case of daily and weekly newspapers.—

Price in annas	Class A (432 sq. inches or less than 432 sq. inches but not less than 372 sq. inches).	Class B (less than 372 sq. inches but not less than 200 sq. inches).	Class C (less than 200 sq. inches but not less than 150 sq. inches.)	Class D (less than 150 sq. inches but not less than 75 sq. inches).	Class E (less than 75 sq. inches).
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Daily newspaper published on 7 days in a week.

1	...	26	40	52	78	156
1½	...	38	56	76	114	228
2	...	50	74	100	150	300
2½	...	60	90	120	180	360

Daily newspaper published on 6 days in a week.

Price in annas		Class A	Class B	Class C	Class D	Class E
$\frac{1}{2}$	...	12	18	24	36	72
1	...	22	34	44	66	132
$1\frac{1}{2}$	...	32	48	64	96	192
2	...	42	64	84	126	252
$2\frac{1}{2}$	...	50	76	100	150	300

Weekly newspapers.

Price in annas	Class A	Class B	Class C	Class D	Class E
1 ...	4	6	8	12	24
1½ ...	6	10	12	18	36
2 ...	8	12	16	24	48
2½ ...	10	16	20	30	60
3 ...	12	18	24	36	72
4 ...	16	24	32	48	96

SCHEDULE II.

(See Clause 10)

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FORM

THE NEWSPRINT CONTROL ORDER, 1951.

(Clause 9)

Return for the month of.....195

Name.....

Full address.....

*Class of newspaper..... [See clause 5 (2)]

1/We declare that the following is a true account of the stock of newsprint held, acquired, consumed and otherwise disposed of by me/us during the month of 195

	Newsprint in reels		Newsprint in sheets	
	No. of reels	Weight in tons	No. of reams	Weight in tons
1. Amount of stock in hand at the end of the last preceding month				
2. Amount of stock acquired during the month including the name and address of person or persons from whom acquired.				
3. Total of items 1 and 2.				
*4. Amount of stock consumed during the month in the production of newspaper.				
5. Amount of stock otherwise disposed of during the month including the name and address of person or persons to whom disposed of.				
*6. Total of items 4 and 5.				
7. Amount under item 3 less amount under item 6, being amount in stock at the end of the month.				

*Not to be filled in by persons other than the proprietors of newspapers.

Dated.....195

Signature.....

[No. L-I-N-1/50.]

S. BHOOTHALINGAM, Joint Secretary.

NOTIFICATION.

No. L.D. 3504—Legis. 4 50-109, dated Bangalore, 21st March 1951.

Ordered that the accompanying Notification No. S.R.O. 344, dated 10th March 1951, of the Ministry of Commerce and Industry amending the Newsprint Control Order, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 10th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 10th March 1951.

S.R.O. 344.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the Newsprint Control Order, 1951, namely :—

In sub-clause (3) of clause 1 for the words and figures "12th March, 1951." the words and figures "2nd April, 1951." shall be substituted.

[No. LI-N-1/51.]

S. BHOOTHALINGAM, *Jt. Secy.*

NOTIFICATION.

No. C. 1585—Co. 41-50-2, Bangalore, dated 9th March 1951.

Ordered that the undermentioned Notifications issued by the Government of India, Ministry of Commerce and Industry be republished in the *Mysore Gazette*, for general information :—

Nos.

1. 13 (84) T. P. (T) 49 dated 13-1-1951.
2. S. R. O. 391 dated 17th August 1950.
3. S. R. O. 846 dated 4th November 1950.
4. 67-C. W. (25)—48 dated 26-3-1949.
5. 67-C. W. (25A)—48 dated 26-3-1949.
6. 27—I-T. (2) 48 (II) dated 26-3-1949.
7. 32-6-Tex. 2-50 dated 22-4-1950.
8. 32-6-Tex. 2-50 dated 18-8-1950.
9. 5-5 Tex (2) 50 dated 22-7-1950.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

*Secretary to Government,
Food and Agriculture Departments*

ANNEXURE I
GOVERNMENT OF INDIA.
MINISTRY OF COMMERCE.

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(NOTIFICATION)
 (EXPORT AND TRADE CONTROL).

NEW DELHI,
 the 13th January 1951.

13 (84)-TP (T)-49.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Government hereby directs that the following amendments shall be made in the Cotton Textiles (Export Control) Order, 1949, namely :—

In the said Order :—

I. In sub-clause (ii) of clause I, for the words and letter 'except Part B States' the words 'except the State of Jammu and Kashmir' shall be substituted.

.....3.

2. After clause 1, the following clause shall be inserted, namely :—

"1A. All notifications and orders issued or made under this Order which immediately before 13th January, 1951 were in force in certain parts of India are hereby extended to and shall be in force in the rest of India except the State of Jammu and Kashmir".

3. Clause II shall be renumbered as sub-clause (i) of that clause and after the sub-clause as so renumbered the following sub-clause shall be inserted, namely :—

"(ii) Any order corresponding to this order and in force in any part B State immediately before 13th January, 1951 is hereby repealed."

A. P. MATHUR,
Under Secretary to the Government of India.

ANNEXURE II.
MINISTRY OF FOOD.

NEW DELHI,
 the 17th August, 1950.

S. R. O. 391.—In exercise of the powers conferred by sub-section (2) of Section 3 of the essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to appoint the 17th day of August, 1950 as the date on which the said Act shall come into force in all the Part B States to which it extends.

(C. G.-603 (38)-XIV)

K. R. DAMLE,
Joint Secretary.

ANNEXURE III.

MINISTRY OF INDUSTRY AND SUPPLY.

NEW DELHI,

the 4th November 1950.

S.R.O. 846.—In exercise of the powers conferred by Section 4 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the powers conferred on it by sub-section (1) of Section 3 of the said Act to provide for the matters specified in clauses (c), (d), (e), (f), (g), (h), (i) and (j) of sub-section (2) thereof shall, in relation to cotton textiles, be exercisable also by the Government of any Part B State, subject to the condition that no order made by such Government in the exercise of the aforesaid powers shall have effect in so far as it is repugnant to any order made under the said sub-section (1) by the Central Government.

(No. 9 (12)—Tex. 1—50).

B. K. KAUL,

Deputy Secretary.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE.

EXPORT TRADE CONTROL.

NEW DELHI,

the 26th March 1949.

No. 67-C. W. (25)—48. In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) the Central Government is pleased to make the following order, namely :

1. (i) This Order may be called the Cotton Textiles (Export Control) Order, 1949.
- (ii) It extends to the whole of India except the State of Jammu and Kashmir. (a)
- (iii) It shall come into force at once.

1-A. All notifications and orders issued or made under this Order which immediately before 13th January, 1951 were in force in certain parts of India are hereby extended to and shall be in force in the rest of India except the State of Jammu and Kashmir. (b)

2. In this Order unless there is anything repugnant in the subject or context :—

- (a) "export" means to take out of any Province in India by land, air or water to any place outside India. (c)

(a) Instead of the words "all the provinces in India", the words "whole of India except part 'B' States" were substituted by the Ministry of Commerce Notification No. 13 (84)-T.P.(T)—49 dated 12th August, 1950 and the words "Except part 'B' States" deleted and the words "except the State of Jammu and Kashmir" added by the Ministry of Commerce Notification No. 13 (84) T. P. (T.)—49, dated 13th January, 1951.

(b) Added by the Ministry of Commerce Notification No. 13 (84) T.P. (T.)—49 dated 13th January, 1951.

(c) The words "other than a place in Pakistan" inserted by Ministry of Commerce Notification No. 67-C. W. (25)—48, dated 18th June 1949, deleted by that Ministry Notification No. 67-C. W. (25)—48, dated 30th June, 1949.

- (b) "Export Trade Controller" means an Export Trade Controller appointed by the Central Government and includes any other officer authorised by the Central Government to perform all or any of the functions of an Export Trade Controller under this Order.
- (c) "exporter" means a person holding a valid export license issued by or under the orders of an Export Trade Controller authorising him to export cloth or yarn;
- (d) "carrier" includes any person engaged in the business of transporting property from any Province in India to a place outside India by land, air or water; (d)
- (e) "cloth", "yarn", "dealer", "manufacturer", "producer" and "processor", shall have the meanings respectively assigned to them in the Cotton Textiles (Control) Order, 1948;
- (f) "Textile Commissioner" means the Textile Commissioner, the Additional Textile Commissioner or the Joint Textile Commissioner appointed by the Central Government and includes any officer authorised by such Textile Commissioner to exercise all or any of the powers of the Textile Commissioner under this Order; (e)

3. Save in accordance with the permission of the Textile Commissioner and subject to such conditions as he may impose as to selling price the markings to be made or otherwise, no person other than a producer shall sell, agree to sell or store for sale to any person any cloth or yarn manufactured for export. (f)

4. No person shall save in accordance with the general or special permission of the Textile Commissioner export, sell or agree to sell for export cloth or yarn which has been marked with prices. (g)

5. (i) The Central Government may by notification in the official Gazette direct that, from such date as may be specified in the notification all cloth or yarn exported or intended for export and the packing thereof shall conform to such minimum standard or specifications and shall bear such markings made at such time and in such manner as may be specified in the notification; and thereupon no person shall sell or otherwise dispose of and no person shall by or otherwise acquire for export any cloth or yarn which does not conform to these directions.

Provided that the Central Government or the Textile Commissioner may by general or special order exempt any cloth or yarn or any class of cloth or yarn from the provisions of this sub-clause.

- (ii) The Textile Commissioner may with a view to ascertain the quality or prices of cloth or yarn intended for export or with a view to securing compliance with sub-clause (i). (h)

(a) direct any person to give any information or produce any document in his possession with respect to any business in cloth or yarn carried on by that or any other person;

Page 1.

(d) Original Sub-clause (e) and sub-clause (h) deleted by Ministry of Commerce Notification No. 13 (7)-T. P. (T.)-50, dated 30th June, 1950.

(e) The words "selling price" deleted by Ministry of Commerce Notification No. 13 (7) T. P. (T.)-50 dated 16th February 1950, and inserted by the Ministry of Commerce Notification No. 13 (7)-T. P. (T.)-50, dated 25th March, 1950.

(f) The word "manufactured" inserted by Ministry of Commerce Notification No. 13 (29)-T. P. (T.)-49, dated 12th November, 1949.

Page 2.

(g) Clauses 5 and 8 deleted by Ministry of Commerce Notification No. 13 (7)-T. P. (T.)-50 dated 16th February, 1950.

(h) As substituted by the Ministry of Commerce Notification No. 13 (90)TP (T)-50 dated 7th October, 1950.

- (b) direct any manufacturer or exporter to furnish returns in respect of cloth or yarn sold by him for export and the prices charged therefor;
- (c) inspect or cause to be inspected any cloth or yarn;
- (d) direct any manufacturer or exporter to open any bale or package of cloth or yarn intended for export for the purpose of inspection;
- (e) enter and search or *authorise* any person to enter and search any premises where cloth or yarn is manufactured or stored;
- (f) enter and search or *authorise* any person to enter and search any premises, vehicles, vessels, or aircraft in which he has reason to believe any cloth or yarn intended for export is stored or carried;
- (g) direct any manufacturer or exporter to furnish samples of any cloth, or yarn, such samples, in the case of cloth, being of dimensions of 6" x 6" and in the case of yarn, being not less than a hank;
- (h) seize, or cause to be seized, any cloth in respect of which he has reason to believe that a contravention of sub-clause (i) has been committed.

6. No cloth or yarn shall be exported except by, or through the agency an exporter.

7. Any Export Trade Controller may with a view to securing compliance with this Order—

- (a) require any person to give any information or produce any document in his possession with respect to any business carried on by that or any other person;
- (b) require any manufacturer or dealer to furnish returns in respect of cloth or yarn sold by him for export; (A)
- (c) inspect or cause to be inspected any cloth or yarn sold or intended to be sold for export;
- (d) seize or cause to be seized any cloth or yarn in respect of which he has reason to believe that a contravention of this order has been committed.

8. No person shall refuse to give any information, produce any document or furnish any sample or return lawfully demanded from him under this Order or to comply with any other direction given under the Order. (B)

9. Every carrier by sea or air shall at the request of an exporter furnish him with a certificate showing the quantity of cloth or yarn contained in the consignment exported by him or through his agency, the name or other identifying particulars of the vessel or aircraft in which the consignment was exported and the date of such export.

10. A court trying any contravention of this Order may without prejudice to any other sentence which it may pass direct that any cloth or yarn in respect of which it is satisfied that such contravention has occurred shall be forfeited to the Central Government.

11. (i) The Cloth and Yarn (Export Control) Order, 1945 is hereby repealed; provided that anything done or deemed to have been done under any provision of the said Order shall be deemed to have been done under the corresponding provision of this Order, and any reference in any instrument to any provision of the said Order or any notifications issued thereunder shall be deemed to be a reference to the corresponding provision of this Order or any notification issued thereunder.

(ii) Any order corresponding to this Order and in force in any Part B State immediately before 13th January, 1951 is hereby repealed. (c)

(A) The words "and prices charged therefor" deleted by Ministry of Commerce Notification No. 13 (7)-TP (T)—50, dated 16th February 1950.

(B) Inserted by the Ministry of Commerce Notification No. 13 (90)-TP (T)—50, dated 7th October 1950.

(C) Inserted by the Ministry of Commerce Notification No. 13 (84)-TP (T)—49, dated 13th January, 1951.

MINISTRY OF COMMERCE

EXPORT TRADE CONTROL

NEW DELHI,

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the 26th March, 1949.

No. 67-C.W. (25 A)—48. In exercise of the powers conferred by sub-clause (i) of clause 6 of the Cotton Textiles (Export Control) Order, 1949, and in supersession of the notification of the Government of India in the Department of Commerce No. 67-CW (15 B) 3—45, dated the 22nd June, 1946, the Central Government is pleased to specify herein the markings to be made, and the time and manner of making them, on cloth or yarn intended for export and packed by any manufacturer or contracted by him for delivery on or after the 15th April, 1949:

2. *Cloth*.—(1) The markings to be made on such cloth shall be:—

- (i) the words "For Export Only";
- (ii) the Texmark and the manufacturer's distinguishing number as provided by the Notification of the Textile Commissioner No. T.C. (6) 1—44, dated the 19th February, 1944. (A)
- (iii) the width of the cloth;
- (iv) in the case of cloth of the kind specified in column 1 of the table below, the marking specified in corresponding entry in column 2 thereof.

THE TABLE.

<i>Kind of cloth</i>	<i>Marking.</i>
(1) Where the count of warp yarn employed is 17s or finer but does not exceed 35s or where such count exceeds 35s but the count of weft yarn employed is 37s or less.	Medium.
(2) Where the count of warp yarn employed exceeds 35s but is less than 48s and the count of weft yarn exceeds 37s.	Fine.
(3) Where the count of warp yarn employed is 48s or finer and the count of weft yarn exceeds 37s.	Fine (Super).
(v) the actual counts of the warp and the weft yarn employed, preceded by the words "warp" and "weft" respectively.	
(vi) the month and year of packing.	

(2) The markings shall be made on such piece of cloth at a distance of not more than "eighteen inches" from the nearest end: provided that in the case of bed spreads, table cloths or furnishing fabrics such markings shall be made on a piece of cloth securely sewn to the item or piece. (B)

(3) The markings other than those referred to in item (ii) in sub-paragraph (1) shall be made in legible letters and figures not less than $\frac{1}{4}$ " in height. (C)

(4) Notwithstanding anything contained in sub-paragraphs (1), (2) and (3) above, in the case, of towels, handkerchiefs, dusters and napkins, the following mark—

- (A) Sub-clause (ii) regarding stamping of Serial No. deleted by Ministry of Commerce Notification No. 13 (42)-TP (T)—60, dated 15th July 1950.
- (B) The words "one yard" changed to "eighteen inches" by Ministry of Commerce Notification No. 13 (42)-TP (T)—60, dated 15th July 1950.
- (C) Amended by Ministry of Commerce Notification No. 13 (42)-TP (T)—60, dated 15th July 1950.

ings alone in legible letters and figures shall be made on a paper label or on a piece of cloth securely attached to each item, namely:— (d)

- (a) The words "For Export Only";
- (b) The manufacturers' distinguishing number preceded by the letters "TN";
- (c) Month and year of packing.

(5) Notwithstanding anything contained in sub-paragraphs (1), (2) and (3) above in the case of pieces of cloth less than three yards in length other than towels, handkerchiefs, dusters and napkins, the following markings alone shall be made in legible letters and figures not less than $\frac{1}{4}$ " in height, namely:—

- (a) The words "For Export Only";
- (b) The manufacturer's distinguishing number preceded by the letters "TN".
- (c) Month and year of packing.

3. Yarn.—(1) The markings to be made on such yarn shall be:—

- (i) the words "For Export Only".
- (ii) the Texmark and the manufacturer's distinguishing number as provided by the Notification of the Textile Commissioner No. T. C. (6) 1—44, dated 19th February, 1944.
- (iii) the count of the yarn;
- (iv) the cotton from which it is made (whether Indian or Foreign);
- (v) whether single or folded;
- (vi) whether carded or combed;
- (vii) whether processed;
- (viii) month and year of packing.

(2) The markings shall be made on the wrapper of each bundle of yarn or on a label attached thereto.

(3) The markings other than that specified in item (ii) of sub-paragraph (1) shall be in letters and figures not less than $\frac{1}{4}$ " in height.

(4) The markings specified herein shall be made before the cloth or yarn is packed or delivered by the producer.

(5) If any cloth or yarn sold for export is thereafter subjected to any ancillary process such as bleaching, dyeing, printing, calendering or mercerising, the markings, other than the Texmark, as provided in paragraph 2 or paragraph 3 as the case may be, shall be made thereon before it is packed or delivered, provided that— (E)

(i) the Texmark and distinguishing number of the person carrying out the processing shall be marked thereon in addition to the distinguishing number of the producer of the basic cloth or yarn,

(ii) the width to be stamped on the processed cloth shall be the actual width of the cloth as processed

(iii) the month and year of packing to be stamped on the processed cloth shall be the actual month and year of packing of the processed cloth.

(6) Nothing in this notification shall apply in relation to—

- (a) Handspun yarn,
- (b) Handloom cloth,
- (c) Pearl cord,
- (d) Sewing thread,
- (e) Embroidery thread,
- (f) Cotton string,
- (g) Cotton twine.

(D) Sub-clause (4) and sub-clause (5), inserted by the Ministry of Commerce Notification No. 13 (42)-TP (T)—50, dated 15th July 1950.

(E) Paragraph 5 as substituted by Ministry of Commerce Notification No. 13 (42)-TP (T)—50, dated 15th July 1950.

(h) Hard waste, i.e., categories of yarn particularly described below :—

- (1) Grey sized long ends.
- (2) Grey unsized long ends.
- (3) Coloured unsized long ends.
- (4) Coloured sized long ends.
- (5) Coloured sized short ends.
- (6) Grey unsized short ends.
- (7) Grey sized short ends.
- (8) Coloured unsized short ends.
- (9) Dirty beam ends.
- (10) Warping hard waste.
- (11) Bleached yarn waste.
- (12) Coloured yarn waste.
- (13) Coloured mixed yarn waste.
- (14) Winding hard waste.
- (15) Winding hard waste dirty.
- (16) Reeling hard waste.
- (17) Bobbin cut waste.
- (18) Bonda pincer waste.
- (19) Weaving sweeping.
- (20) Oily hard waste.
- (21) Pulled out and broken cops.

(i) Single cotton yarn of counts below is manufactured from 100 per cent waste.

- (j) Any piece of cloth, other than a handkerchief, napkin or towel which —
 - (i) does not exceed 72" in length and 9" in width at any point in the direction at right angles to the longest length; (F)
 - or (ii) has an area not exceeding 6½ square feet and does not exceed 43" at the widest point in any direction.

- (k) Cotton Webbing.
- (l) Cotton Belting.
- (m) Tape including tape newar.
- (n) Bias bindings not exceeding 2" in width.
- (o) Surgical dressings.
- (p) Sanitary Towels.
- (q) Tabular bandings.
- (r) Lace and other edgings, trimmings and borders, not exceeding 6" in width.
- (s) Cloth produced by a producer having no spinning plant provided it is marked with the Texmark and manufacturer's distinguishing number and the month and year of packing as required by the Textile Commissioner's Notification No. T.C. (6) 1—44, dated the 19th February, 1944. (G)
- (t) Tarpaulins made of Cotton Jute Union Cloth. (H)
- (u) Cloth and yarn sold by the Government of India for export outside India and duly stamped with the markings prescribed for such cloth in the Textile Commissioner's Notification No. 9 (9)-Tex. 1—49, (i), dated the 6th July, 1950.
- (v) Cotton bed-spreads handprinted by a member of any 'Processors' Association at Farrukhabad and stamped with any of the three texmark, distinguishing numbers, 1330, 1335 and 1724 together with any sub-number and the month and year of packing by the processors. (I)

(F) Inserted by Ministry of Commerce Notification No. 67-CW (25-A)—48, dated 25th June 1949.
 (G) Inserted by Ministry of Commerce Notification No. 67-CW (25-A)—48, dated 16th July 1949.
 (H) Inserted by Ministry of Commerce Notification No. 13 (55)-TP (T)—50, dated 24th June 1950 and as amended by the Notification No. 13 (55)-TP (T)—50, dated 12th August 1950.
 (I) Inserted by Ministry of Commerce Notification No. 13 (55)-TP (T)—50, dated 9th September 1950.

MINISTRY OF INDUSTRY AND SUPPLY

NOTIFICATION

Bombay, the 26th March 1949.

No. 27/1-T (2)/ 48 (ii).—In pursuance of sub-clause (g) of clause 2 of the Cotton Textiles (Export Control) Order, 1949, I hereby, authorise each of the officers specified below to exercise the powers of the Textile Commissioner under clauses 3, 4, 5 and 6 of the Cotton Textiles (Export Control) Order, 1949 :—

1. Mr. V. M. Srikumaran, Deputy Assistant Director, Office of the Textile Commissioner, Bombay.

2. Mr. S. R. Ramakrishnan, Deputy Assistant Director, Office of the Textile Commissioner, Bombay.

T. P. BARAT,
Textile Commissioner.

MINISTRY OF INDUSTRY AND SUPPLY

NOTIFICATION

Bombay, the 22nd April 1950

No. 32/6 Tex. 2/50.—In pursuance of sub-clause (f) of Clause 2 of the Cotton Textiles (Export Control) Order, 1949, and in supersession of the Textile Commissioners Notification No. 27/1-T (2)/48 (ii) dated 15th October 1949, I hereby authorise each of the officers specified in column (2) of the table below to exercise on my behalf within the area specified in column (3) thereof, the functions of the Textile Commissioner specified in paragraphs (a), (b) and (c) of sub-clause (ii) of clause 5 of the said Order.

Sl. No.	Designation of the Officer	Area
1	The Director of Controlled Commodities, Madras and all Assistant Textile Commissioners working under him.	Madras State.
2	All District Textile Control Officers and Textile Inspectors in the State of Madras.	Within their respective jurisdictions.
3	The Controller, the Dy. Controller and the Assistant Controller of Supplies and Transport, Orissa.	Orissa.
4	All Supervisors of Textiles (Head Quarters) and all Inspectors of Textiles (Head Quarters) in the State of Orissa.	Do
5	All supervisors of supplies (Head Quarters) and all Inspectors of Supplies (Head Quarters) in the State of Orissa.	Do
6	All Supervisors of Supplies, all Inspectors of Supplies, all Civil Supplies Officers, Assistant Civil Supplies Officers and Sub-divisional Officers in the State of Orissa.	Within their respective jurisdictions.

Sl. No.	Designation of the Officer	Area
7	Director, and Deputy Director of Textiles, west Bengal.	West Bengal.
8	Director and Deputy Directors of Enforcement, Civil Supplies Department, West-Bengal.	Do.
9	Provincial Textile Commissioner, Shillong	Assam.
10	Dy. and Assistant Provincial Textile Commissioners, Assam.	Do.
11	All Sub-divisional Magistrates in Assam	Within their respective jurisdictions.
12	Cloth Controller, Bihar.	Bihar.
13	All Magistrates and Cloth Inspectors in the State of Bihar.	Within their respective jurisdictions.
14	Officer on Special duty, Commerce and Industries, Civil Supplies Department, Madhyapradesh.	Madhyapradesh.
15	Provincial Textile and Yarn Commissioner, Nagpur.	Do.
16	The Secretary, Deputy Secretary and Additional Dy. Secretary to the Government of Uttarpradesh (Civil Supplies) (B) Dept., Lucknow.	Uttarpradesh.
17	The provincial Textile Controller, Kanpur	Do.
18	All District Supply Officers in and all Additional District Supply Officers, Uttarpradesh.	Within their respective jurisdictions.
19	All Piecegoods Inspectors in Uttarpradesh	Within their respective Jurisdictions.
20	Director of Civil Supplies, Assistant Director of Civil Supplies (Textiles), Officer-in-charge, Investigation Bureau and all Inspectors (Textiles) in Delhi State.	Delhi State.
21	Director and Deputy Director, Civil Supplies, Punjab and Assistant Director of Civil Supplies (Cloth), Punjab.	Punjab.
22	All District Organisers, Civil Supplies and Rationing, and all Civil Supplies Distribution Officers, in the districts of Gurdaspur, Amritsar and Ferozpur in the Punjab State.	Within their respective jurisdictions.
23	Yarn Commissioner, Ajmer	Ajmer State.
24	The Provincial Textile Controller, the Deputy Provincial Textile Controller and Assistant Provincial Textile Controller, Bombay.	Bombay State.
25	All Textile Inspectors working under the Provincial Textile Controller, Bombay.	Within their respective jurisdictions.
26	All Police Officers not below the rank of a Sub-Inspector, working in the Special Police Establishment, (Ministry of Home Affairs) at their Head Office at New Delhi or at the Branch Offices at Bombay, Madras and Jubbulpore.	Do.
27	All Land Customs Offices under the Collectors of Central Excise.	Do.
28	All Customs Officers under the Collectors of Customs not below the rank of a Preventive Officer.	Do.
29	All Police Officers not below the rank of a Sub-Inspector in any of the States.	Do.
30	All District Magistrates in any of the States.	Do.

T. P. BARAT,
Textile Commissioner.

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MINISTRY OF INDUSTRY AND SUPPLY**Office of the Textile Commissioner****NOTIFICATION***Bombay, 1, the 18th August 1950*

No. 32/6-Tex. 2/50.—In pursuance of sub-clause (f) of Clause 2 of the Cotton Textiles (Export Control) Order, 1949, I hereby direct that the following amendment shall be made in the Textile Commissioner's Notification No. 32/6-Tex. 2/50, dated the 22nd April, 1950 namely:—

For the existing S. No. 27, the following shall be substituted:—

“All Land Customs Officers and all Central Excise Officers under the Collectors of Central Excise”—Within their respective jurisdictions.

T. P. BARAT,

Textile Commissioner.

MINISTRY OF INDUSTRY AND SUPPLY**Office of the Textile Commissioner****NOTIFICATION***Bombay, the 22nd July 1950*

No. 5/5-Tex (2)/50.—In pursuance of sub-clause (f) of clause 2 of the Cotton Textiles (Export Control) Order, 1949, I hereby authorise Shri P. S. Naidu, Officer on Special Duty, Cotton Textiles Fund Committee, to exercise on my behalf the powers of the Textile's Commissioner under clause 5 (ii) of the said Order.

T. P. BARAT,

Textile Commissioner.

NOTIFICATION.

No. C. 1687—C.O. 40-50-8, dated Bangalore, the 9th March 1951.

Ordered that the following Notification No. P. C.—7(2)/50, dated the 16th February 1951, of the Government of India Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950, (LXX of 1950) be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

*Secretary to Government,
Food and Agricultural Departments.*

GOVERNMENT OF INDIA, MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 16th February 1951.

No. P. C.—7 (2)/50.—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950, (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the late Ministry of Industry and Supply No. S. R. O. 66, dated the 15th January, 1951, namely :—

In the Schedule annexed to the said notification in the entry in column 3 against each of items 1 and 3 for clause (a) the following clause shall be substituted namely :—

"(a) actual railway freight by goods train from any of the localities specified in column 2 to the place of destination, and "

Order.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir), all Chief Commissioners of Part C States including Andaman and Nicobar Islands, all Ministries of the Government of India, Cabinet Secretariat, Prime Minister's Secretariat, Secretary to the President, the Indian Trade Commissioners, all Indian Embassies, the High Commissioner for India, London, His Majesty's Trade Commissioner in India, all Chambers of Commerce and Associations, the Director-General of Commercial Intelligence and Statistics, Calcutta, the High Commissioner for India in Pakistan, Karachi, the High Commissioner for Pakistan in India, New Delhi, the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

P. S. SUNDARAM,

Under Secretary to the Government of India.

GOVERNMENT OF INDIA, MINISTRY OF COMMERCE AND INDUSTRY.**NOTIFICATION.***New Delhi, the 16th February 1951.*

No. P. C.—18 (1)/51.—In pursuance of section 7 of the Supply and Prices of Goods Act, 1950, (LXX of 1950); the Central Government hereby directs that the following amendment shall be made to the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 166, dated the 1st February 1951, namely:—

In the said notification for the words "Secretary to the Government of India" the words and brackets "Deputy Development Officer (Chemicals)" shall be substituted.

Order.

ORDERED that a copy of the above notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

P. S. SUNDARAM,

Under Secretary to the Government of India.

GOVERNMENT OF INDIA, MINISTRY OF COMMERCE AND INDUSTRY.**NOTIFICATION.***New Delhi, the 16th February, 1951.*

No. P. C.—18 (1)/51.—In exercise of the powers conferred by sections 13 and 19 of the Supply and Prices of Goods Act, 1950, (LXX of 1950) and all other powers enabling it in this behalf, the Central Government hereby directs that the following amendments shall be made to the notification of the Government of India in the Ministry of Commerce and Industry No. S. R. O. 167, dated the 1st February 1951, namely:—

In the said notification:—

(1) In clause (a), for the words "Secretary to the Government of India in the Ministry of Commerce and Industry or any officer authorised by him in writing in this behalf" the words "Central Government or any officer authorised by it in this behalf" shall be substituted.

(2) In clause (b), for the word "Secretary" in both the places where it occurs the words and brackets "Deputy Development Officer (Chemicals)" shall be substituted.

Order.

ORDERED that a copy of the above notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

P. S. SUNDARAM,

Under Secretary to the Government of India.

GOVERNMENT OF INDIA, MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 16th February 1951.

No. P. C.—18 (1)/51—In exercise of the powers conferred by section 26 of the Supply and Prices of Goods Act, 1950, (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the Sulphur Stock Regulation) Rules, 1951, namely:—

In Rule 2 of the said Rules, for the words "Secretary to the Government of India in the" the words and brackets "Deputy Development Officer (Chemicals)" shall be substituted.

Order.

ORDERED that a copy of the above notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands, all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board; and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

P. S. SUNDARAM,

Under Secretary to the Government of India.

NOTIFICATION.

No. C. 1589—C. O. 40-50-6, dated Bangalore, 9th March 1951.

Ordered that the following four Notifications No. P. C.—18 (1)/51, dated the 16th February 1951, of the Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950, (LXX of 1950), be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

*Secretary to Government,
Food and Agricultural Departments.*

GOVERNMENT OF INDIA, MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 16th February 1951.

No. P. C.—18 (1)/51.—In exercise of the powers conferred by clause (a) of the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 167, dated the 1st February 1951, the Central Government hereby authorises the Deputy Development Officer (Chemicals) attached to the Ministry of Commerce and Industry to issue a general or special authority to a dealer for the sale or disposal of sulphur.

P. S. SUNDARAM,

Under Secretary to the Government of India.

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

(HOME DEPARTMENT).

No. H.A. 12121—Pol. 659-50-4, dated Bangalore, 29th March 1951.

In exercise of the powers conferred by Section 8 of the Preventive Detention Act, 1950, (Central Act IV of 1950) as amended by the Preventive Detention (Amendment) Act, 1951 (Central Act IV of 1951), and in modification of Notification No. H.A. 11817—Pol. 659-50-3, dated the 20th March 1951, constituting an Advisory Board for the purpose of the said Act, His Highness the Maharaja of Mysore is pleased to appoint Sri S. Kanakaratnaraj, B.A., B.L., Principal District Judge, Bangalore, as one of the Members of the said Board, in place of Justice Sri B. Vasudeva Murthy, B.A., LL.B., Judge, High Court of Mysore.

By Order of His Highness the Maharaja,

K. SRINIVASAN,

Chief Secretary to Government.

No. L. 13300—Cm. 65-50-2, dated Bangalore, 31st March 1951.

In exercise of the powers conferred by Section II of the Mysore Amusements Tax Act, 1932 (Mysore Act VIII of 1932), His Highness the Maharaja of Mysore is pleased to declare the Chairman of the Central Board of Film Censors, the members of the Board or Advisory Panel and a Regional or an Assistant Regional Officer as inspecting Officers authorised by the State Government within the meaning of the said section.

By Order of His Highness the Maharaja.

No. A.F. 2—Ft. 45-49-5, dated Bangalore, the 2nd April 1951.

In exercise of the powers conferred by Sections 35, 37, 71 and 76 of the Mysore Forest Act, 1900, (XI of 1900), His Highness the Maharaja of Mysore is pleased to direct that the following amendments shall be made to the rules for regulating the transit of timber, firewood, charcoal and bamboos from all lands other than Coffee lands issued in Notification No. A.F. 2180—Ft. 45-49-2, dated the 19th September 1949, namely:—

(i) In the Schedule A to the said rules, the words “Mandya Town Municipal limit in Mandya District” shall be omitted, and

(ii) the words “Taluk of Kankanhalli of Bangalore District” shall be added.

2. The following amendment shall also be made to the rules for the control of private saw pits, saw mills or any other, sawing contrivance issued in Notification No. A.F. 2181—Ft. 45-49-2, dated 19th September 1949, namely:—

In the schedule to the said rules, the words “3 Kankanhalli Taluk of Bangalore District” shall be added.

By Order of His Highness the Maharaja.

M. S. SWAMINATHAN,

*Secretary to Government,
Local Self-Government Department.*

No. D. 8749—I. & C. 297-50-1, dated Bangalore, 29th March 1951.

In exercise of the powers vested in them under Rule 6 of the Rules framed under the Mysore Sugar Factory Sugarcane Cess Act, 1948, the Government of Mysore are pleased to specify Rupees three per ton as the rate of cess leviable for the year 1950-51.

By Order of His Highness the Maharaja,

R. J. REGO,

*Secretary to Government,
Development Department.*



The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(SUPPLEMENTAL.)

BANGALORE, THURSDAY, APRIL 5, 1951.

PART IV

Section 2-A

**BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON
AND ACTS AND ORDINANCES OF MYSORE.**

NOTIFICATION.

No. 9—L.A., Bangalore, dated 4th April 1951.

As required by the Standing Order 36 of the Legislative Assembly Standing Orders, the following report of the Select Committee on the Mysore Cinematograph Entertainment Tax Bill, 1951, with the amended Bill is hereby published.

Report of the Select Committee on the Mysore Cinematograph Entertainment Tax Bill, 1951.

(Presented on 3rd April 1951.)

We, the members of the Select Committee to which the Mysore Cinematograph Entertainment Tax Bill, 1951, was referred, have considered the Bill in detail and have the honour to submit the following report:—

The Bill is intended to provide for the levy of an additional tax on cinematograph entertainments. The

basis of calculation of the tax is set out in clause 3. Under this clause, touring talkies will be taxed on the number of shows, whereas other cinemas will be taxed on the basis of their seating capacity. We are of the view that the purpose of the Bill will be better served if the principle adopted in the case of touring talkies is also extended to the case of the other cinemas and the tax is levied in their case also on the number of shows, a difference however being recognised in regard to the rate of tax depending on seating capacity. We are of the opinion that a fair and equitable basis will be as follows:—

Cinematograph shows liable for tax	Rate of tax per show		
	For cinemas with a seating capacity not exceeding 500	For cinemas with a seating capacity exceeding 500 but not exceeding 800	For cinemas with a seating capacity exceeding 800
	R	Rs.	Rs.
(a) Entertainments other than those held with cinematograph apparatus and plant taken from place to place—			
(i) held in the Cities of Bangalore, Mysore and Davangere and in Kolar Gold Fields Sanitary Board area;	5	7	10
(ii) held in the Towns of Kolar, Tumkur, Chitaldrug, Shimoga, Chikmagalur, Hassan and Mandya;	3	5	7
(iii) held in any other area in the State.	2	3	4

(b) Entertainments held with cinematograph apparatus and plants taken from place to place

Rs. 2 per show

But a doubt has been felt whether such an amendment would not attract the provisions of article 207 of the Constitution of India and whether it is permissible for the Select Committee to recommend this amendment. In order to place the matter beyond all doubt, we consider it desirable that this change is effected by means of an amendment to be moved in the Assembly with the recommendation of the Rajpramukh as required by article 207 and we express the hope that Government will do so.

CLAUSE 4.

We are of the opinion that the penalty for non-payment should be limited to cases of fraudulent evasion and we recommend that item (a) of this clause may be deleted.

The Bill was published in the *Mysore Gazette* Extraordinary, dated 26th March 1951. In our opinion the Bill has not been so altered as to require republication.

H. C. DASAPPA (*Chairman*).

V. M. MASCARENHAS.

V. S. NARAYANA RAO.

M. L. NANJARAJA URS.

H. SIDDAVEERAPPA.

M. GOVINDA REDDY.

T. SUBRAMANYA.

M. N. JOIS.

BANGALORE,

3rd April 1951.

Sriyuts H. C. Linga Reddy, B. Hutche Gowda, K. V. Shankara Gowda were not present at the meeting of the Select Committee.

(As amended by the Select Committee.)

(Words underlined or sidelined indicate the amendments suggested by the Committee, asterisks indicate omissions.)

THE MYSORE CINEMATOGRAPH ENTERTAINMENT TAX BILL, 1951.

A Bill to provide for the levy of an additional tax on cinematograph entertainments in the State of Mysore.

Whereas it is expedient to provide for the levy of an additional tax on cinematograph entertainments in the State of Mysore; Preamble.

It is hereby enacted as follows.—

1 (1) This Act may be called the Mysore Cinematograph Entertainments Tax Act, 1951. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on the first day of April, 1951.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) "cinematograph entertainment" means any cinematograph exhibition held in any place to which persons are admitted on payment;

(2) "Government" means the State Government;

(3) "notification" means a notification published in the *Mysore Gazette*;

(4) "prescribed" means prescribed by rules made under this Act;

(5) "proprietor" in relation to any cinematograph entertainment, includes any person responsible for the management thereof.

Tax on
cinemato-
graph
entertain-
ments.

3. (1) There shall be charged, levied and paid to the Government, a tax on cinematograph entertainments, hereinafter referred to as the cinematograph tax, calculated at the following rates, namely :—

<i>Cinematograph entertainments liable to tax</i>	<i>Rate of tax.</i>
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(a) Entertainments other than those held with cinematograph apparatus and plant taken from place to place. —	For every seat provided for persons admitted to the place of entertainment—
--	---

(i) held in the Cities of Bangalore, Mysore and Davangere and in the Kolar Gold Fields Sanitary Board Area;	one rupee and eight annas per mensem.
---	---------------------------------------

(ii) held in the Towns of Kolar, Tumkur, Chitaldrug, Shimoga Chickmagalur, Hassan and Mandya;	one rupee per mensem.
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(iii) held in any other area in the State.	twelve annas per mensem.
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(b) Entertainments held with cinematograph apparatus and plant taken from place to place.	Two rupees and eight annas for every show.
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(2) The tax under sub-section (1), shall be recoverable from the proprietor.

(3) The tax under sub-section (1), shall be assessed, levied and collected in such manner and in such instalments as may be prescribed.

Penalty for
non-payment
of tax.

4. The proprietor of a cinematograph entertainment who,—

(a) * * * * *

fraudulently evades the payment of any cinematograph-tax due under this Act;

shall, on conviction, be liable in respect of each such offence, to a fine which may extend to five hundred

rupees, and shall in addition be liable to pay one and one-fourth times the tax which should have been paid.

5. The Government may, by general or special order, exempt any cinematograph entertainment or class of cinematograph entertainments from payment of the cinematograph tax. Exemptions.

6. (1) Any sum due on account of the cinematograph tax, shall be recoverable by the Government as an arrear of land revenue. Recoveries.

(2) Any fine imposed under this Act, shall be recovered in the manner provided in the Code of Criminal Procedure, 1898, for the recovery of fines.

7. (1) The Government may, by notification, make rules for the purpose of carrying out the provisions of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for the following matters:—

- (a) the manner of assessment and levy of the cinematograph tax payable by any proprietor for any year or part thereof;
- (b) the proper maintenance of accounts and submission of returns;
- (c) the time and manner of payment and collection of the cinematograph tax;
- (d) the duties and powers of officers appointed for enforcing the provisions of this Act; and
- (e) the issue of passes by the proprietors of cinematograph entertainment for the admission of officers who have to perform any duty in connection therewith or any other duty imposed upon them by law.

(3) Any person who acts in contravention of, or fails to comply with, any rule made under sub-section (1), or sub-section (2) shall, on conviction, before a Magistrate be liable in respect of each offence to a fine not exceeding five hundred rupees.

Power of
Government
to delegate
certain
powers.

8. The Government may, by notification, delegate all or any of their powers under this Act, except those conferred on them by section 7 and by this section, to any officer subordinate to the Government.

Application of
other Acts not
affected.

9. The provisions of this Act are in addition to, and not in derogation of any other Act for the time being in force, relating to the levy of any tax on entertainments and amusements.

G. S. VENKATARAMANA IYER,

Secretary,

Mysore Legislature.



The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(SUPPLEMENTAL)

BANGALORE, THURSDAY, APRIL 5, 1951.

PART IV

Section 2-A

**BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON
AND ACTS AND ORDINANCES OF MYSORE.**

NOTIFICATION.

No. 10-L.A., Bangalore, dated 4th April 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders, the following report of the Select Committee on the Mysore Health Cess Bill, 1951, with the amended Bill is hereby published.

Report of the Select Committee on the Mysore Health Cess Bill.

(Presented on 3rd April 1951.)

We, the members of the Select Committee to which the Mysore Health Cess Bill, 1951, was referred, have considered the several clauses of the Bill in detail and have the honour to submit the following report.

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CLAUSE 1.

We recommend that in sub-clause (3) for the word, "on the first day of April 1951" the words "at once" may be substituted.

CLAUSE 3.

We recommend that the assurance given by the Hon'ble the Minister for Finance and Industries in the Mysore Legislative Assembly that the rate of health cess on Land Revenue would be limited to six pies in the rupee may be implemented by amending this clause. It will mean that if the cess has to be increased on Land Revenue the matter must come up before the Assembly for approval. We also consider it desirable to make it clear that the rate of health cess leviable under sub-clause (2) shall not exceed one anna in the rupee. We accordingly recommend that this clause may be recast as follows:—

"3 (1) There shall be levied and collected a health cess at the rate of six pies in the rupee on all items of land revenue and at such rate not exceeding one anna in the rupee as may be specified by Government by notification on all other items of revenue on which education cess is leviable.

(2) The Government may by notification levy health cess at such rate not exceeding one anna in the rupee as may be specified in the said notification on such other items of revenue as they deem fit."

CLAUSE 4.

The manner of recovery of health cess, whether levied under sub-clauses (1) or (2) of clause 3 may be in such manner as the Government may prescribe, and we accordingly recommend that sub-clause (1) of clause 4 may be omitted, and sub-clause (2) of clause 4 may be renumbered as clause 4 and recast as follows:—

"4. Any sum due on account of the health cess levied under Section 3 shall be recoverable in such manner as the Government may prescribe by rules."

The Bill was published in *Mysore Gazette* Extraordinary, dated 26th March 1951. In our opinion the Bill has not been so altered as to require republication.

H. C. Dasappa. (*Chairman.*)

S. Rangaramiah.

D. M. Siddiah.

W. H. Hanumanthappa.

K. Sampangi Ramiah.

B. Channabyre Gowda.

D. Govinda Das.

H. K. Veeranna Gowdh.

M. Ratnamma Isaac.

Bangalore,

2nd April 1951.

Sri N. Huchmasthy Gowda was not present at the meeting of the Select Committee.

[AS AMENDED BY THE SELECT COMMITTEE.]

(Words underlined or sidelined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

THE MYSORE HEALTH CESS BILL, 1951.

A Bill to provide for the levy of a health cess on certain items of Revenue.

WHEREAS it is expedient to provide for the levy of a health cess on certain items of revenue;

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Health Cess Act, 1951. Short title, extent and commencement.
- (2) It extends to the whole of the State of Mysore.
- (3) It shall come into force at once.

2. In this Act—

- (1) "education cess" means the education cess leviable under the Mysore Elementary Education Act, 1941 (Mysore Act VI of 1941); Definitions.
- (2) "Government" means the State Government; and
- (3) "notification" means a notification published in the *Mysore Gazette*.

3. (1) There shall be levied and collected a health cess at the rate of six pies in the rupee on all items of land revenue and at such rate not exceeding one anna in the rupee as may be specified by Government by notification on all other items of revenue on which education cess is leviable. Levy of Health Cess.

(2) The Government may by notification levy health cess at such rate not exceeding one anna in the rupee as may be specified in the said notification on such other items of revenue as they deem fit.

*

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*

4. Any sum due on account of the health cess levied under * * * section 3 shall be recoverable in such manner as the Government may prescribe by rules. Mode of recovery of the cess.

Levy of cess
under other
Acts not
affected.

5. Nothing in this Act shall affect the operation of the provisions of any other Act and the levy of the health cess under this Act is in addition to and not in lieu of any other duty or cess that may be leviable under any other law for the time being in force.

Power to
make rules.

6. The Government may, by notification, make rules for carrying out the purposes of this Act.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

NOTIFICATION.

No. S. R. 8058—Regis. 27-50-2 dated Bangalore, the 31st March 1951.

In exercise of the powers conferred by Section 78 of the Mysore Registration Act, 1903, as amended from time to time, His Highness the Maharaja of Mysore is pleased to direct that the table of Registration fees be revised as per the Schedule enclosed and that the revised scale of fees be levied with effect from 1st April 1951.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,
Secretary to Government,
Revenue Department.

PART III.

Table of Registration Fees under section 78 of the Mysore Registration Regulation, No. I of 1903.

The registration fees payable to the several offices of Registration in Mysore shall be as follows:—

I. (a) For registration of documents in books I and IV—

					Rs. a. p.
(1)	When the value does not exceed Rs. 10	0	4	6	
(2)	When the value exceeds Rs. 10 but does not exceed Rs. 25		0	7	0
(3)	Do 25 but does not exceed Rs. 50	0	9	0	
(4)	Do 50 do do	75	0	13	6
(5)	Do 75 do do	100	1	2	0
(6)	Do 100 do do	150	1	11	0
(7)	Do 150 do do	200	2	4	0
(8)	Do 200 do do	250	2	13	0
(9)	Do 250 do do	300	3	6	0
(10)	Do 300 do do	500	3	15	0
(11)	Do 500 do do	750	4	8	0
(12)	Do 750 do do	1,000	5	10	0
(13)	Do 1,000 do do	2,500—For the first thousand as under Sub-Clause 12, and for every 500 or part thereof in excess of 1,000	Rs. 1	2	0
(14)	Do 2,500 but does not exceed to Rs. 5,000—For the first 2,500 as under Sub-Clause 13, and for every 500 or part thereof in excess of 2,500	Rs. 1	11	0	
(15)	Do 5,000 but does not exceed Rs. 25,000—For the first 5,000 as under Sub-Clause 14 and for every 1,000 or part thereof in excess of 5,000	Rs. 2	4	0	
(16)	Do 25,000 but does not exceed Rs. 50,000—For the first 25,000 as under Sub-Clause 15, and for every 1,000 or part thereof in excess of 25,000	Rs. 2	13	0	
(17)	Do 50,000—For the first 50,000 as under Sub-Clause 16, and for every 1,000 or part thereof in excess of Rs. 50,000	Rs. 3	6	0	

(b) The consideration expressed in a document is generally taken to be its value for determining the registration fee. Where no consideration is expressed, the value of the property dealt with as shown in the document is taken.

(c) The provisions of sections 5, 6, 20, 21, 23 and 25, of the Mysore Stamp Regulation and of the Indian Stamp Act, respectively, are applied *mutatis mutandis* to calculations of value for the purpose of determining the registration fee.

(d) In the case of leases the value is taken—

- (1) at the total rent for the whole term when the lease is for periods not exceeding one year ;
- (2) at the average annual rent when the lease is for periods exceeding one year ;
- (3) at one-fifth of the whole amount of rents payable for the first fifty years when the lease is perpetual.

In all cases where a fine or premium is paid or is made payable or money is advanced, that amount is also added to the value. When a lessee undertakes to pay assessment quit-rent, etc., in addition to the rent, the said payment also is added to the rental value. If the rent is payable in kind and its money value is not specified in the lease, its value is taken to be the highest amount which the stamp borne by the document shall suffice to cover ; but if the lease bears no stamp or is exempt from stamp duty, the money value of the produce is calculated at the current market rates.

Where in agricultural leases for one year or less the rent is not fixed either in kind or in cash and the lease deed is unstamped, its value for purposes of registration is taken to be five times the assessment on the land the rent of which is secured by the instrument, when the survey assessment is specified in the lease.

(e) In the case of deeds of partition, the value of the separated share or shares on which the stamp duty is payable is taken as the value or consideration.

(f) When the value of the document is not specified :

In the case of all other documents in which neither the consideration for the transaction nor the value of the property affected is expressed, or in which it is only partially expressed the

value shall be the maximum amount which the stamp borne by the document is sufficient to cover, if the document is one which is liable to stamp duty at *ad valorem* rates. If the value cannot be determined from the stamp, as for instance when the deed is not liable to stamp duty, or is liable to duty at a fixed amount irrespective of the value of the transaction, or when the transaction is not susceptible of money valuation, the fee leviable shall be Rs. 6-12-0 provided that in cases where value of only a portion of the property or consideration is given and that value exceeds Rs. 1,500 the fee shall be levied on the value so expressed.

Note.—In the case of documents evidencing petty transactions incapable of valuation the Inspector-General of Registration may, if he considers that the levy of a fee of Rs. 6-12-0 would be productive of hardship, authorise Registering Officers to levy a lower fee, which however shall not be less than four annas and six pies.

(g) For registration of a document purporting to give collateral or auxiliary or additional or substituted security or security by way of further assurance, where the principle or primary mortgage is duly registered:—

Same fee as for the principle or primary mortgage.

(h) For document acknowledging receipt or payment of consideration on account of any previously registered document or for any receipt acknowledging payment of a debt or rent due under a previously registered document:—

Ad valorem fee as per Article 1A, subject to a maximum of Rs. 2-4-0, *vide* Government Notification No. Fl. 2366—Regis. 12-29-1, dated 25—26th September 1929.

(i) For a duplicate or counterpart of a document—

If registered at the same time as the original, Re. 0-4-6 per 100 words or part thereof, provided that if the fee to be recovered at the rate of Re. 0-4-6 per 100 words is higher than the ordinary fee for registration, the ordinary fee shall be charged.

(j) Certified copies of decrees, orders of courts and awards—

Ad valorem fee as per Article 1 (a).

For Registration of Adoption deed : —

(Whether or not the deed refers
to immovable property to which } Rs. 11-4-0.
the adoptee becomes entitled). }

G. O. No. Fl. 1628—Regis. 29-41-2, dated the
2nd September 1942.

II. For registration of Wills and Authorities to
adopt—

(a) Opening a sealed cover and entering the contents
in Book III :—

Rs. 2-4-0 *plus* copying fee at the prescribed rate.

(b) Will or Authority to adopt presented open :—
Rs. 11-4-0. Provided that in the case of
Wills in which the value of the property dealt
with is mentioned and that the value does not
exceed Rs. 3,000 the registration fee shall be
as per *ad valorem* scale in Article 1 (a).

III. Sealed Covers (Book V).—

[a] For deposit and entry in Book V
of a sealed cover purporting to
contain a Will .. Rs. 3 6 0

[b] Withdrawal of any such cover .. Rs. 3 6 0

Article III—A. The registration fee for a deed of
cancellation or revocation shall be that liable on
the original document cancelled or revoked—
subject to a maximum of Rs. 5.

(G. O. No. Fl. 2250—Regis. 14-38-2, dated 16th
November 1938).

IV. Registration by a Registrar in cases other
than those in which a document is registered by a District
Registrar in consequence of the Sub-Registrar being a
party interested in the transaction to which such a
document relates—

Extra fee of Rs. 5 when registered under Section
30 (a) by any District Registrar and Rs. 10 when registered
by the District Registrar of Bangalore under Section
30 (b) of the Mysore Registration Regulation : Provided
that no extra fee shall be levied when the English docu-
ment is registered by a Registrar solely in consequence of
the language in which it is written being unknown to the
Sub-Registrar by whom it is properly registrable :

Provided also that no extra fee shall be levied for the registration of a counterpart or a duplicate of a document in respect of which extra fee has been paid, as above such counterpart or duplicate is presented for registration on the same day as the original document, when the original is also registered.

V. (a) (1) Memorandum under Sections 64, 65, 66 and 67 Rs. 1 2 0

(2) For each additional copy required for 100 words or part thereof Re. 0 4 6

(b) When a copy of instrument has to be sent to the Registrar of another district such copy should be charged for at the rate of Re. 0-4-6 per 100 words and additional fee of one rupee and two annas for each memorandum issuable under Section 66, must be levied and remitted to the Registrar.

VI. (a) (i) Search for or inspection of a single entry or document—

For the first year in the Books of which search is made, for each entry or document Rs. 1 2 0

For every other year in the books of which search is continued for each entry or document .. Re. 0 4 6

(ii) General search for an inspection of any number of entries or documents relating to one and the same property or executed by or in favour of one and the same individual.

For the first year in the books of which search is made Rs. 2 4 0

For every other year in the books of which search is continued Re. 0 9 0

Note.—(1) The rates mentioned above as subject to a maximum of Rs. 5-10-0 and Rs. 11-4-0 in the cases of single and general searches, respectively, *vide* G.O. No. Fl. 1122—Regis. 26-26, dated 4th August 1927.

(2) Every application for the continuance of a search made after one week from the date of completion of that search will be treated as fresh application and the higher fees of Re. 1-2-0 or Rs. 2-4-0 respectively, will be charged for the first year in the books of which the search is desired to be continued.

Note.—(2) of Article VI (a) (ii) relating to fees for search under Section 57 of the Registration Regulation published in Notification No. P. 5552—Regis. 30-89-9, dated 6th January 1923 will be replaced by the following :—

“ Every application for the grant of a certified copy unless made at the time of registration of a document shall be considered as an application for search and charged accordingly, provided, however, that no fee for search shall be charged in respect of a document of which a copy is applied for when the names of claiming and executing parties, the nature of the document and the date of registration are shown in application for the copy.”

(Vide Notification No. Fl. C. 68—Regis. 41-25, dated 12th October 1926).

(4) The Inspector-General of Registration may, in his discretion remit in part the fee leviable under this article when it appears to him that the exaction of full fee would be productive of hardship.

VII. (1) (a) Granting certified copies or extracts from Registers, indexes or any documents (Sections 57 and 76) per 100 words or portion of 100 words.—

Re. 0-3-6, whether in English or Kannada.

(b) Granting of copy of map or plan.—

Re. 0-9-0, provided that the arrangements for and the cost of making such copies are made and borne by the person who applies for it.

(c) Granting copies of documents other than those mentioned above :—

At the rates prescribed in the rules issued by the Chief Court for the grant of copies in the Civil Court.

Note.—(1) Every figure, initial or abbreviation shall count as a word.

(2) Government Officers who may require to search the registers or to take copies of entries for *bona fide* public purposes shall be permitted to do so without payment of any fee.

(3) Copies of documents in languages other than in English or Kannada shall be charged at one anna per 100 words instead of 3 annas if a clerk knowing that language is employed in the Registration Office granting the copy. Also when a copy is printed at the expense of an applicant or when the applicant presents a printed copy of a document already registered and applies for a certified copy of the same, only the portion added in manuscript in the certified copy shall be charged for the ordinary rates of copying, and, in addition, a fixed fee of two annas shall be levied for comparing and certifying each copy.

(4) No charge shall be made for granting copies of reasons for refusal given by a Sub-Registrar.

VII. Powers of Attorney. —

	Rs.	a.	p.
(1) Registering a Power of Attorney	5	10	0
(2) Attesting a Special Power of Attorney	1	2	0
(3) Attesting a General Power of Attorney	2	4	0

Note.—(1) A single fee shall be levied for the attestation of a Power-of-Attorney whatever may be the number of signatories to it provided that all of them appear simultaneously for examination or execution. Where they do not so appear, a separate fee is levied for such set of persons appearing at the same time.

(2) The duplicate or the triplicate of a Power-of-Attorney presented for authentication shall be treated as a separate power and a separate attestation fee shall be levied for it.

IX. For filing translation Extra fee Rs. 1-2-0.

Note.—Filing copies of the orders, certificates and instruments referred to in Section 89 ... No fee.

X. (1) Issue of commission or attendance at a private residence or Jail.

(a) For registration of one or more documents executed by one and the same individual, or

(b) For the acceptance of registration of one or more documents executed in favour of one and the same individual or for the acceptance for deposit of a Will executed by an individual, or

(c) For the attestation of one or more Power-of-Attorney executed by one and the same individual.

(d) For the examination of one and the same individual under Section 33 or 38.

Rs. 11 4 0

Besides ordinary fee and travelling allowance.

(2) For the services of a female if required, extra fee as remuneration to her Rs. 5-10-0.

Note.—(1) Where two or more persons who are parties to the same document and who are entitled to exemption from attending the Registration Office reside together, or when two or more persons who are parties to the same document are confined in a Jail, only one attendance or commission fee shall be charged so far as those persons are concerned. In that event each such person shall be entitled to present for registration or attestation at such attendance any number of documents or Powers-of-Attorney or to admit execution of any number of documents presented for registration or to deposit a Will, without payment of any further attendance fee.

**Note.*—(2) "When in the course of attendance at a private residence a Registering Officer is required to record in respect of the

same instrument the admission of persons not entitled to the concession, the request, may, if possible, be complied with without the levy of any additional fee."

(*Vide* notification No. Fl. 5591—Regis. 6-32-7, dated 17th April 1933).

XI. For proceeding to and returning from a private residence or Jail, travelling allowance shall be allowed, at eight annas per mile to a Registrar and at 4 annas per mile to a Sub-Registrar or other persons deputed to take an examination.

XII. For the safe custody and return of documents.—

For each month or part of a month, during which a registered document is left unclaimed in a Registration Office, after the expiration of one month from the date of registry (to be paid before delivery of the document), four annas and six pies per month for documents of values up to Rs. 100 and nine annas per month for documents of values exceeding Rs. 100 or for documents in which no value is specified, subject to a maximum of Rs. 5-10-0 in any one case.

XIII. (1) For filing copies of memoranda relating to deposit of title-deeds received from Banks under Section 59, Clause (2), of the Transfer of Property Regulation. In cases where property mentioned in such memoranda are situated in more than one taluk or district and in cases where the property is not situated in the area to which Section 59 applies, Government are pleased to appoint the Registrar of Bangalore District as a Special Registrar for registering such memoranda and to exempt them from payment of the fees prescribed in paras 11 and 12 of the rules framed by Government under the Registration Regulation as regards fees payable thereunder.

Note.—Under Sub-Section (2) of Section 59 of the Transfer of Property Regulation, 1918, Government are pleased to extend the provisions of that Sub-Section to the whole of the areas comprised in the cities of Bangalore and Mysore.

(G. O. No. J. 4622—Legis. 43-17-3, dated 11th May 1918).

(2) On all documents registered, if containing more than 300 words, an additional fee at the rate of four annas and six pies per 100 words or fraction of 100 words is charged for the number above 300.

(3) If a document tendered for registration has one or more schedules appended to it, they are charged

for at the above rate according to the aggregate number of words contained in them.

(4) Special rates of fees for the registration of documents executed by or in favour of Agricultural Banks.

	Rs.	a.	p.
(a) When the value does not exceed Rs. 100 including schedules	0	9	0
(b) Exceeding Rs. 100 but not exceeding Rs. 1,000.	1	2	0
(c) „ 1,000 but not exceeding Rs. 5,000	2	4	0
(d) In all other cases	4	8	0
(e) Searches	Free or		
	no fee.		
(f) Certified copies for 100 words	0	1	6
(g) Attesting Power-of-Attorney	0	4	6
(h) Private attendance	2	4	0
(i) Issue of commission	2	4	0
(j) Mileage to Registering Officers or others per mile.	0	2	0

(5) Fees for registration, etc., of documents executed by or on behalf of any Co-operative Society for the time being registered under the Co-operative Societies Regulation or by an officer or member of such a society and relating to the business thereof.....half the fee.

(6) Fees for registration, etc., of documents executed by applicants and sureties in connection with loans obtained and arrangements entered into for the supply of machinery, etc., under the rules published with Government Notification No. G. 2146—G.M. 55-12-240. dated 2nd September 1913.

	Rs.	a.	p.
(a) When the value does not exceed Rs. 100 including schedule	0	9	0
(b) Exceeding Rs. 100 but not exceeding Rs. 1,000	1	2	0
(c) „ 1,000 5,000	2	4	0
(d) In all other cases	4	8	0
(e) Search	Free or		
	no fee.		
(f) Certified copies (per 100 words)	0	1	6
(g) Attesting Power-of-Attorney	0	4	6
(h) Private attendance	2	4	0
(i) Issue of commission	2	4	0
(j) Mileage to Registering Officers or others per mile	0	2	0

(7) For Registration, etc.. of instruments executed by or on behalf of or in favour of, the Mysore Palace.
Nil.

(8) Special rates for documents executed by applicants for loans to build and make other improvements for houses in the Mysore City and on those executed by their sureties.

	Rs.	a.	p.
(a) When the value does not exceed Rs. 100	...	0	9 0
(b) Exceeding Rs. 100 but not exceeding Rs. 1,000	...	1	2 0
(c) Search		Free.	
(d) Certified copies per 100 words		0	1 6
(e) Attesting Power-of-Attorney	...	0	4 6
(f) Private attendance or issue of commission	...	2	4 0
(g) Mileage to Registering Officers or others per mile	...	0	2 0

(Notification No. P. 34—Regis. 37-4-3, dated 4th July 1922

No. P. 5552—Regis. 34-19-9, dated 6th January 1923 and

Notification No. S.R. 8058—Regis. 27-50-2, dated 31st March 1951).

NOTIFICATION.

No. S.D. 81—R. 51-50-40, Bangalore, dated the 4th April 1951.

In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) read with the Government of India, Ministry of Food Notification No. SRO. 703, dated the 4th October 1950 and with the concurrence of the Government of India, His Highness the Maharaja of Mysore is pleased to revise the composition of rations to the several classes of consumers in the State as shown below, with effect from the 1st April 1951.

Scale of Rations per head per day.

Class	Rice ozs.	Wheat ozs.	Millets ozs.	Total ozs.
1. "A" Class...	6	3	...	9'0
2. "B" Class (Labour Class).	3	1	6	10'0
3. Heavy Manual Labour	3	1	9	13'0
4. Plantation Labour ...	6	1	2	9'0
5. Staple Wheat Eaters ...	...	9	...	9'0

(Children below eight years of age will be allowed half the above scale of rations.)

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,

Food and Agriculture Departments.



The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, FRIDAY, MAY 11, 1951.

PART IV

Section 2-A.

**BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON
AND ACTS AND ORDINANCES OF MYSORE.**

NOTIFICATION.

Order No. L. D. 245—Logis. 19-51-1. Bangalore, dated 11th May 1951.

Ordered that the accompanying Mysore Restriction of Meetings near the Legislative Assembly Act, 1951, which received the assent of His Highness the Maharaja, on the 25th day of April 1951, be published as Act No. XV of 1951, in the *Mysore Gazette*, for general information.

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MYSORE ACT No. XV OF 1951.

**THE MYSORE RESTRICTION OF MEETINGS NEAR THE
LEGISLATIVE ASSEMBLY ACT, 1951.***(Received the assent of His Highness the Maharaja of
Mysore on the 25th day of April 1951.)***An Act to provide for restriction of meetings, assemblies and
processions near the State Legislative Assembly.****Preamble.**

WHEREAS it is expedient for the undisturbed conduct of business of the State Legislative Assembly to restrict meetings, assemblies and processions of persons near the place of meeting of the Legislative Assembly;

It is hereby enacted as follows:—

**Short title,
extent and
commence-
ment.**

1. (1) This Act may be called the Mysore Restriction of Meetings near the Legislative Assembly Act, 1951.
- (2) It extends to the whole of the State of Mysore.
- (3) It shall come into force at once.

**Restriction on
meetings,
assemblies
and proces-
sions near
place of
Legislative
Assembly
sessions.**

2. (1) Notwithstanding anything contained in any law for the time being in force, on any day on which the State Legislative Assembly meets, no person shall convene, or give any notice for convening, or take part in, any meeting, assembly or procession consisting of fifty or more persons, in any street, square or open place within a distance of half a mile from the place of meeting of the State Legislative Assembly for the purpose or on the pretext of considering, preparing or submitting any petition, complaint, remonstrance, declaration or other address to the Rajpramukh or to the State Legislative Assembly for the regulation or alteration of any matters of State:

Provided that nothing in this section shall apply to any meeting, assembly or procession convened or held with the previous permission of the State Government.

- (2) If any person contravenes any of the provisions of sub-section (1), he shall be punishable with imprisonment which may extend to six months or with fine or with both.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

* Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

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Order No. L D. 24—Legis. 20-51-1, Bangalore, dated 11th May 1951.

Ordered that the accompanying Mysore Cinematograph Shows Tax Act, 1951, which received the assent of His Highness the Maharaja, on the 30th day of April 1951, be published as Act No. XVI of 1951, in the *Mysore Gazette* for general information:—

MYSORE ACT No. XVI OF 1951.

**THE MYSORE CINEMATOGRAPH SHOWS TAX
ACT, 1951.**

*(Received the assent of His Highness the Maharaja of
Mysore on the 30th day of April 1951.)*

**An Act to provide for the levy of an additional tax
on Cinematograph Shows in the State of Mysore.**

WHEREAS it is expedient to provide for the levy of an additional tax on cinematograph shows in the State of Mysore;

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Cinematograph Shows Tax Act, 1951.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "cinematograph show" means any cinematograph exhibition held in any place to which persons are admitted on payment;

(2) "Government" means the State Government;

(3) "notification" means a notification published in the *Mysore Gazette*;

(4) "prescribed" means prescribed by rules made under this Act;

(5) "proprietor" in relation to any cinematograph entertainment, includes any person responsible for the management thereof.

**Tax on
cinemato-
graph
entertain-
ments.**

3. (1) There shall be charged, levied and paid to the Government, a tax on cinematograph shows, hereinafter referred to as the cinematograph tax, calculated at the following rates, namely :—

Cinematograph shows liable for tax	Rate of tax per show		
	For places with a seating capacity not exceeding 500	For places with a seating capacity exceeding 500 but not exceeding 800	For places with a seating capacity exceeding 800
	Rs.	Rs.	Rs.
(a) Shows other than those held with cinematograph apparatus and plant taken from place to place—			
(i) held in the Cities of Bangalore, Mysore and Davangere and in Kolar Gold Fields Sanitary Board area;	5	7	10
(ii) held in the Towns of Kolar, Tumkur, Chitaldrug, Shimoga, Chikmagalur, Hassan and Mandya;	3	5	7
(iii) held in any other area in the State.	2	3	4

(b) Shows held with cinematograph apparatus and plant taken from place to place ...

"not"

Rs. 2 per sho

4. The proprietor of a cinematograph show who fraudulently evades the payment of any cinematograph tax due under this Act shall, on conviction, be liable in respect of each such offence, to a fine which may extend to five hundred rupees, and shall in addition be liable to pay one and one-fourth times the tax which should have been paid.

Penalty for non-payment of tax.

5. The Government may, by general or special order, exempt any cinematograph show or class of cinematograph shows from payment of the cinematograph tax.

Exemptions.

6. (1) Any sum due on account of the cinematograph tax, shall be recoverable by the Government as an arrear of land revenue.

Recoveries.

(2) Any fine imposed under this Act, shall be recovered in the manner provided in the Code of Criminal Procedure, 1898, for the recovery of fines.

7. (1) The Government may, by notification, make rules for the purpose of carrying out the provisions of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for the following matters:—

- (a) the manner of assessment and levy of the cinematograph tax payable by any proprietor for any year or part thereof;
- (b) the proper maintenance of accounts and submission of returns;
- (c) the time and manner of payment and collection of the cinematograph tax;
- (d) the duties and powers of officers appointed for enforcing the provisions of this Act; and
- (e) the issue of passes by the proprietors of cinematograph Show for the admission of officers who have to perform any duty in connection therewith or any other duty imposed upon them by law.

(3) Any person who acts in contravention of, or fails to comply with, any rule made under sub-section (1), or sub-section (2) shall, on conviction, before a Magistrate be liable in respect of each offence to a fine not exceeding five hundred rupees.

Power of
Government
to delegate
certain
powers.

8. The Government may, by notification, delegate all or any of their powers under this Act, except those conferred on them by Section 7 and by this section, to any officer subordinate to the Government.

Application of
other Acts not
affected.

9. The provisions of this Act are in addition to, and not in derogation of any other Act for the time being in force, relating to the levy of any tax on entertainments and amusements.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*

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NOTIFICATION.

Order No. L. D. 247—Legis. 21-51-1, Bangalore, dated 11th May 1951.

Ordered that the accompanying Mysore Cultivation of Fallow Lands Act, 1951, which received the assent of His Highness the Maharaja, on the 30th day of April 1951, be published as Act No. XVII of 1951, in the *Mysore Gazette* for general information.

MYSORE ACT NO. XVII OF 1951.

THE MYSORE CULTIVATION OF FALLOW LANDS ACT, 1951.

*(Received the assent of His Highness the Maharaja
of Mysore on the 30th day of April 1951.)*

An Act to make provision for bringing fallow lands under cultivation in the State of Mysore.

WHEREAS it is expedient to make provision for bringing fallow lands under cultivation in the State of Mysore; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Cultivation of Fallow Lands Act, 1951. Short title,
extent, com-
mencement
and duration.

(2) It extends to the whole of the State of Mysore.

(3) This section shall come into force at once, and the State Government may, from time to time, by notification in the *Mysore Gazette*, apply the other provisions of this Act to the whole or any portion of the State from such date and for such period, if any, as may be specified in the notification and may cancel or modify any such notification.

(4) This Act shall remain in force for a period of five years and upon its expiry, the provisions of section 6 of the Mysore General Clauses Act, 1899, shall be applicable as if it had been repealed by a Mysore Act.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) expressions not defined herein shall have the meanings assigned to them respectively in the Mysore Land Revenue Code, 1888;

(2) 'approved crop' means ragi, paddy or jola crop and includes such other crops as the State Government may, by notification in the *Mysore Gazette*, declare to be an approved crop in any area specified in such notification;

(3) 'fallow land' means cultivable land left uncultivated or land recorded as fallow, new or old in the village accounts, and includes land recorded as grass land in consequence of its ceasing to be under cultivation for a period exceeding three years but does not include land recorded as Phut kharab or a tank or embankment or a nalah or a grove or used as a threshing floor;

(4) 'land' means land which is let or occupied for agricultural purposes or for purposes subservient thereto;

(5) 'occupied land' means land held by—

(i) a proprietor as a holder or land-holder or superior holder or occupant or registered occupant or *kadim* tenant, or

(ii) by a sub-tenant;

(6) 'occupier' means a person who is for the time being in possession of occupied land and is entitled to cultivate it, either by himself, or by his servants or by hired labour.

(7) 'prescribed' means prescribed by rules under this Act."

Cultivation of fallow lands.

3. (1) Subject to the provisions of sub-section (2) every holder of occupied land in excess of—

(a) ten acres in the case of wet lands, or

(b) fifteen acres in the case of dry lands,

in any revenue year shall, if so required by an order in writing of the Amildar, be liable to cultivate either by himself or through a lessee, in addition to the area cultivated by him in the revenue year immediately preceding, such area as the Amildar may specify, of the fallow land recorded in his name in the village accounts of the said revenue year immediately preceding, and raise an approved crop thereon:

Provided that the State Government may, by notification in the *Mysore Gazette*, increase the acreage specified in clause (a) or (b) in respect of any area specified in such notification.

(2) For purposes of determining the area of fallow land to be cultivated under the provisions of sub-section (1),

(a) an area equal to one-tenth of the extent of the occupied land shall be deducted from the total area of the fallow land of the holder for ordinary grazing requirements of the holder ;

(b) any fraction of less than half an acre shall not be taken into account.

(3) No order shall be made under the provisions of sub-section (1) unless an enquiry has been held by the Amildar for the purpose. In every enquiry for the said purpose, the Amildar shall, as far as may be, follow the procedure laid down in the Mysore Land Revenue Code, 1888, for conducting summary enquiries.

(4) An appeal shall lie to the Sub-Division Officer concerned from an order of the Amildar under sub-section (1) within fifteen days from the date of communication of the order of the Amildar to the holder of occupied land and the decision of the Sub-Division Officer on such appeal shall be final.

4. Any holder of occupied land may, before the expiry of the prescribed period apply to the Amildar for exemption from the provisions of section 3. If the Amildar on such enquiry as he deems fit is satisfied that the land—

Application
for exemption.

(a) is needed by the holder for the purposes of grazing his own cattle ; or

(b) cannot be cultivated by the holder for want of lessees or labourers ;

he may grant a certificate of exemption in writing in respect of the whole or part of the area of fallow land required to be cultivated under section 3.

5. The holder of occupied land who does not carry out the directions contained in the order of the Amildar or of the Sub-Division Officer on appeal therefrom under section 3 shall be liable to pay such penalty not exceeding one year's assessment on the land in question as may be determined by the Amildar, unless the holder has obtained a certificate of exemption under the provisions of section 4 or has made an application as required by clause (b) of sub-section (1) of section 6, and the said sum shall be recoverable as an arrear of land revenue.

Penalty.

Power of
Amildar to
lease fallow
lands.

6. (1) If any holder or occupier does not make suitable arrangements for the cultivation of the fallow land required to be cultivated under sub-section (1) of section 3,

(a) before the expiry of fifteen days from the date of order of the Amildar; and if the Amildar does not grant a certificate of exemption under section 4; or

(b) before fifteen days from the date of the order of the Amildar, an application in writing is made by a holder or occupier requesting the Amildar to arrange for a suitable lessee for the fallow land required to be cultivated by him under section 3;

the Amildar may let out for cultivation the whole or part of the area of the fallow land of such holder or occupier required to be cultivated under section 3 to any suitable lessee for a period not exceeding five years on the condition that the lessee shall pay as rent one-third of the produce in the case of wet lands and one-fourth in the case of dry lands and in any case not being less than the bare assessment or on such other terms as can be secured.

(2) Every lease granted under the provisions of sub-section (1) shall be executed by the Amildar on behalf of the holder or the occupier, as the case may be, and the lessee shall be liable to pay the rent specified in sub-section (1) to the person on whose behalf the lease is executed at the time and in the manner provided for in the lease.

(3) Subject to the provisions of section 7 every such lease shall be valid and take effect according to its terms, notwithstanding anything to the contrary contained in any rule of law, statute or enactment for the time being in force.

Cancellation
of the lease.

7. Where the person to whom a lease has been granted under section 6 fails for any reason to cultivate the land so leased to him or uses the land for a purpose other than the purpose for which it was leased out to him, the Amildar may cancel the lease and grant a fresh lease to any other person on such terms and conditions as he thinks fit and the person whose lease is cancelled under this section shall forfeit all rights under his lease and

shall also be liable to pay such sum by way of damages as may be determined by the Amildar in each case. The sum so determined as damages shall be recoverable as an arrear of land revenue.

8. Every notice under this Act shall be served in the manner provided in section 199 of the Mysore Land Revenue Code, 1888. Service of notices.

9. All persons exercising any power under any of the provisions of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860. Persons acting under the Act to be deemed public servants.

10. (1) No civil court shall have jurisdiction to deal with any question which is by or under this Act required to be dealt with by the Amildar. Bar of jurisdiction.

(2) No order of the Amildar under this Act shall be questioned in any civil or criminal court.

11. No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act. Indemnity.

12. The State Government may make such rules as may be found necessary from time to time for carrying out the purposes of this Act and rules so made shall be published in the *Mysore Gazette* and upon such publication shall have effect as if enacted in this Act. Rules.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

Order No. L. D. 248—Legis. 22-51-1, Bangalore, dated 11th May 1951.

Ordered that the accompanying Mysore Health Cess Act, 1951, which received the assent of His Highness the Maharaja, on the 30th day of April 1951, be published as Act No. XVIII of 1951, in the *Mysore Gazette* for general information.

MYSORE ACT No. XVIII OF 1951.

THE MYSORE HEALTH CESS ACT, 1951.

(Received the assent of His Highness the Maharaja of Mysore on the 30th day of April 1951).

An Act to provide for the levy of a health cess on certain items of Revenue.

WHEREAS it is expedient to provide for the levy of a health cess on certain items of revenue;

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Health Cess Act, 1951. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

2. In this Act—

(1) "education cess" means the education cess leviable under the Mysore Elementary Education Act, 1941 (Mysore Act VI of 1941); Definitions.

(2) "Government" means the State Government; and

(3) "notification" means a notification published in the *Mysore Gazette*.

3. (1) There shall be levied and collected a health cess at the rate of six pies in the rupee on all items of land revenue and at such rate not exceeding one anna in the rupee as may be specified by Government by notification on all other items of revenue on which education cess is leviable. Levy of Health Cess

(2) The Government may by notification levy health cess at such rate not exceeding one anna in the rupee as may be specified in the said notification on such other items of revenue as they deem fit.

Mode of recovery of the cess.

4. Any sum due on account of the health cess levied under section 3 shall be recoverable in such manner as the Government may prescribe by rules.

Levy of cess under other Acts not affected.

5. Nothing in this Act shall affect the operation of the provisions of any other Act and the levy of the health cess under this Act is in addition to and not in lieu of any other duty or cess that may be leviable under any other law for the time being in force.

Power to make rules.

6. The Government may, by notification, make rules for carrying out the purposes of this Act.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer, and
Secretary to Government,
Law Department.*



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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

Vol. 86]

BANGALORE, THURSDAY, APRIL 5, 1951.

[No. 14

PART IV.

Section I-B

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 4—Legis. 2-50-70, dated Bangalore, 2nd April 1951.

Ordered that the accompanying Taxation on Income (Investigation Commission), Amendment Act, 1951 (Central Act No. XI of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 24th March 1951, be republished in the *Mysore Gazette*, for general information.

Received assent on 21st March 1951.

TAXATION ON INCOME (INVESTIGATION COMMISSION) AMENDMENT ACT, 1951 (XI OF 1951).

AN

ACT

further to amend the Taxation on Income (Investigation Commission) Act, 1947.

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Taxation on Income (Investigation Commission) Amendment Act, 1951.

2. Amendment of section 4, Act XXX of 1947.—In sub-section (3) of section 4 of the Taxation on Income (Investigation Commission) Act, 1947, for the words and figures "may extend its term of appointment for any period up to the 31st day of March 1951" the words "may if it thinks fit, extend its term of appointment from time to time and when the Central Government at any time extends the term of appointment of the Commission, it shall cause a copy of the order of extension to be laid before Parliament as soon as may be after it is made" shall be substituted.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*

Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 3503—Legis. 4-50-108, dated Bangalore, 31st March 1951.

Ordered that the accompanying Notification No. S.R.O. 335A, dated the 8th March 1951, of the Ministry of Commerce and Industry publishing the Newsprint Control Order, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 8th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION

NEWSPRINT CONTROL ORDER, 1951.

New Delhi, the 8th March 1951.

S.R.O. 335A.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby makes the following Order, namely:—

THE NEWSPRINT CONTROL ORDER, 1951.

1. *Short title, extent and commencement.*—(1) This Order may be called the Newsprint Control Order, 1951.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on the 12th March 1951.

2. *Definitions.*—In this Order—

- (a) "newspaper" means any periodical publication printed on newsprint appearing at regular intervals of not more than one month;
- (b) "newsprint" means white printing paper in reels or in sheets, the fibre content of which comprises not less than 70 per cent of mechanical wood pulp, and which weighs not less than 40 grammes per square metre;
- (c) "daily newspaper" means a newspaper which is published on not less than 6 days in a week and includes any Supplement or Special edition of such newspaper, whether or not such supplement or special edition is separately registered under the Press and Registration of Books Act, 1867 (XXV of 1867);

Explanation.—The expression "special edition" includes a weekly edition whether appearing under the same title as the daily newspaper or a different title.

- (d) "weekly newspaper" means a newspaper published once a week;
- (e) "week" means a period of seven consecutive days beginning with a Monday;
- (f) "schedule" means a schedule to this Order.

3. *Restriction on use of newsprint.*—No person shall use newsprint for any purpose other than that of printing a newspaper, except under a General or Special permission in writing granted by the Central Government or by an officer authorised by the Central Government in this behalf.

4. *Maximum size of page of newspaper.*—No person shall publish any daily or weekly newspaper any page of which, including margins and other spaces clear of print, exceeds 432 square inches in area.

5. *Weekly quota of pages.*—(1) Subject to the provisions of clause 6, the total number of pages, in all the issues of a daily newspaper published during a week, or in a weekly newspaper, shall not exceed the quota assigned in schedule I to a newspaper of that class and price.

(2) For the purposes of this clause, a daily and a weekly newspaper shall be classified as Class A, Class B, Class C, Class D or Class E according as the area of the page of the newspaper, including margins and other spaces clear of print is 432 square inches or less than 432 square inches but not less than 372 square inches, less than 372 square inches but not less than 200 square inches, less than 200 square inches but not less than 150 square inches, less than 150 square inches but not less than 75 square inches, or is less than 75 square inches.

Explanation.—Where the page of a newspaper varies in size from time to time, the area of the page of the newspaper for the purpose of this clause shall be the area of the largest page.

6. *Larger quota to daily newspaper under certain conditions.*—Notwithstanding anything contained in clause 5, the proprietor of a daily newspaper classified as Class A and priced at one anna shall be entitled to publish once a week a higher priced issue and thereupon the weekly quota of such newspaper shall be—

(a) in the case of a daily newspaper published on 6 days, the average quota of such newspaper for 5 days plus the number of pages permitted to a weekly

news paper of the price equivalent to the price of the higher priced issue of the daily newspaper; and

(b) in the case of a daily newspaper published on 7 days, the average quota of such newspaper for 6 days plus the number of pages permitted to a weekly newspaper of the price equivalent to the price of the higher priced issue of the daily newspaper.

Explanation.—In calculating the weekly quota under this clause a fraction of less than one shall be disregarded.

Illustration I.—If a one-anna newspaper, which is published on 6 days, brings out a 2-anna issue on any one of those 6 days, its weekly quota would then be $22 \times 5/6$ or 18'3 plus 8 (which is the number of pages permitted to a 2-anna weekly newspaper), the total being 26.

Illustration II.—If a one-anna newspaper, which is published on 7 days, brings out a 2-anna issue on any one of those 7 days, its weekly quota would be $26 \times 6/7$ or 22'23 plus 8 (which is the number of pages permitted to a 2-anna weekly newspaper) the total being 30 pages.

7. *Determination of disputes.*—If any dispute arises as to the classification of a newspaper under clause 5, it shall be referred to the Central Government and the decision of the Central Government thereon shall be final.

8. *Power to require sale of newsprint.*—The Central Government, if it considers it necessary or expedient to do so, may direct any person, other than the proprietor of a newspaper, to sell or otherwise transfer any newsprint in his possession or under his control to such other person as may be specified in the direction, and thereupon the first named person shall comply with the direction.

9. *Submission of returns by importers of newsprint.*—The proprietor of a newspaper or any other person who imports or otherwise acquires newsprint from outside India shall, within seven days of such import or acquisition, send an intimation in writing to the Secretary to the Government of India, Ministry of Commerce and Industry, New Delhi, giving full details as to the quantity of, and the source from which, such newsprint was so imported or acquired.

10. *Submission of monthly returns.*—Every proprietor of a newspaper and every person carrying on any undertaking which involves the sale, storage or distribution of newsprint shall submit to the Secretary to the Government of India, Ministry of Commerce and Industry, New Delhi, on or before the 7th day of every month a true return in the form specified in Schedule II, of the quantity of newsprint held, acquired, consumed or otherwise disposed of by him during the preceding calendar month.

11. *Power to relax any provision of this Order.*—The Central Government may, in any special case, authorise in writing the doing of any act which would otherwise be prohibited by this Order.

12. *Repeal.*—The Newsprint Control Order, 1950, is hereby repealed:

Provided that anything done or any action taken in the exercise of any power conferred by the said order shall be deemed to have been done or taken in the exercise of the powers conferred by this order as if this order was in force on the day on which such thing was done or action was taken.

SCHEDULE I.

(See clause 5).

Quota of pages for one week in the case of daily and weekly newspapers.—

Price in annas	Class A (432 sq. inches or less than 432 sq. inches but not less than 372 sq. inches).	Class B (less than 372 sq. inches but not less than 200 sq. inches).	Class C (less than 200 sq. inches but not less than 150 sq. inches).	Class D (less than 150 sq. inches but not less than 75 sq. inches).	Class E (less than 75 sq. inches).
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Daily newspaper published on 7 days in a week.

1	...	26	40	52	78	156
1½	...	38	56	76	114	228
2	...	50	74	100	150	300
2½	...	60	90	120	180	360

Daily newspaper published on 6 days in a week.

Price in annas		Class A	Class B	Class C	Class D	Class E
$\frac{1}{2}$	...	12	18	24	36	72
1	...	22	34	44	66	132
$1\frac{1}{2}$	...	32	48	64	96	192
2	...	42	64	84	126	252
$2\frac{1}{2}$	...	50	76	100	150	300

Weekly newspapers.

Price in annas	Class A	Class B	Class C	Class D	Class E
1 ...	4	6	8	12	24
1½ ...	6	10	12	18	36
2 ...	8	12	16	24	48
2½ ...	10	16	20	30	60
3 ...	12	18	24	36	72
4 ...	16	24	32	48	96

SCHEDULE II.

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(See Clause 10)

FORM

THE NEWSPRINT CONTROL ORDER, 1951.

(Clause 9)

Return for the month of.....195 .

Name.....

Full address.....

*Class of newspaper.....[See clause 5 (2)]

I/We declare that the following is a true account of the stock of newsprint held, acquired, consumed and otherwise disposed of by me/us during the month of 195

	Newsprint in reels		Newsprint in sheets	
	No. of reels	Weight in tons	No. of reams	Weight in tons
1. Amount of stock in hand at the end of the last preceding month				
2. Amount of stock acquired during the month including the name and address of person or persons from whom acquired.				
3. Total of items 1 and 2.				
*4. Amount of stock consumed during the month in the production of newspaper.				
5. Amount of stock otherwise disposed of during the month including the name and address of person or persons to whom disposed of.				
*6. Total of items 4 and 5.				
7. Amount under item 3 less amount under item 6, being amount in stock at the end of the month.				

*Not to be filled in by persons other than the proprietors of newspapers.

Dated.....195 .

Signature.....

[No. L-I-N-1/50.]

S. BHOTHALINGAM, Joint Secretary.

NOTIFICATION.

No. L.D. 3504—Legis. 4 50-109, dated Bangalore, 21st March 1951.

Ordered that the accompanying Notification No. S.R.O. 344, dated 10th March 1951, of the Ministry of Commerce and Industry amending the Newsprint Control Order, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 10th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 10th March 1951.

S.R.O. 344.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the Newsprint Control Order, 1951, namely:—

In sub-clause (3) of clause 1 for the words and figures "12th March, 1951." the words and figures "2nd April, 1951." shall be substituted.

[No. LI-N-1/51.]

S. BHOOHALINGAM, *Jt. Secy.*

NOTIFICATION.

No. C. 1585—Co. 41-50-2, Bangalore, dated 9th March 1951.

Ordered that the undermentioned Notifications issued by the Government of India, Ministry of Commerce and Industry be republished in the *Mysore Gazette*, for general information:—

Nos.

1. 13 (84) T. P. (T) 49 dated 13-1-1951.
2. S. R. O. 391 dated 17th August 1950.
3. S. R. O. 846 dated 4th November 1950.
4. 67-C. W. (25)—48 dated 26-3-1949.
5. 67-C. W. (25A)—48 dated 26-3-1949.
6. 27—I-T. (2) 48 (II) dated 26-3-1949.
7. 32-6-Tex. 2-50 dated 22-4-1950.
8. 32-6-Tex. 2-50 dated 18-8-1950.
9. 5-5 Tex (2) 50 dated 22-7-1950.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

*Secretary to Government,
Food and Agriculture Departments*

ANNEXURE I

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GOVERNMENT OF INDIA

MINISTRY OF COMMERCE.

(NOTIFICATION)

(EXPORT AND TRADE CONTROL).

NEW DELHI,

the 13th January 1951.

13 (84)-TP (T)-49.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Government hereby directs that the following amendments shall be made in the Cotton Textiles (Export Control) Order, 1949, namely :—

In the said Order :—

I. In sub-clause (ii) of clause I, for the words and letter 'except Part B States' the words 'except the State of Jammu and Kashmir' shall be substituted.

.....3.

2. After clause 1, the following clause shall be inserted, namely :—

"1A. All notifications and orders issued or made under this Order which immediately before 13th January, 1951 were in force in certain parts of India are hereby extended to and shall be in force in the rest of India except the State of Jammu and Kashmir".

3. Clause II shall be renumbered as sub-clause (i) of that clause and after the sub-clause as so renumbered the following sub-clause shall be inserted, namely :—

"(ii) Any order corresponding to this order and in force in any part B State immediately before 13th January, 1951 is hereby repealed."

A. P. MATHUR,

Under Secretary to the Government of India.

ANNEXURE II.

MINISTRY OF FOOD.

NEW DELHI,

the 17th August, 1950.

S. R. O. 391.—In exercise of the powers conferred by sub-section (2) of Section I of the essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to appoint the 17th day of August, 1950 as the date on which the said Act shall come into force in all the Part B States to which it extends.

(C. G.-603 (38)-XIV)

K. R. DAMLE,

Joint Secretary.

iv-b

ANNEXURE III.

MINISTRY OF INDUSTRY AND SUPPLY.

NEW DELHI,

the 4th November 1950.

S.R.O. 846.—In exercise of the powers conferred by Section 4 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the powers conferred on it by sub-section (1) of Section 3 of the said Act to provide for the matters specified in clauses (c), (d), (e), (f), (g), (h), (i) and (j) of sub-section (2) thereof shall, in relation to cotton textiles, be exercisable also by the Government of any Part B State, subject to the condition that no order made by such Government in the exercise of the aforesaid powers shall have effect, in so far as it is repugnant to any order made under the said sub-section (1) by the Central Government.

(No. 9. (12)—Tex. 1—50).

B. K. KAUL,

Deputy Secretary.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE.

EXPORT TRADE CONTROL.

NEW DELHI,

the 26th March 1949.

No. 67-C. W. (25)—48. In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) the Central Government is pleased to make the following order, namely:—

1. (i) This Order may be called the Cotton Textiles (Export Control) Order, 1949.
- (ii) It extends to the whole of India except the State of Jammu and Kashmir. (a)
- (iii) It shall come into force at once.

1-A. All notifications and orders issued or made under this Order which immediately before 13th January, 1951 were in force in certain parts of India are hereby extended to and shall be in force in the rest of India except the State of Jammu and Kashmir. (b)

2. In this Order unless there is anything repugnant in the subject or context:—

- (a) "export" means to take out of any Province in India by land, air or water to any place outside India. (c)

(a) Instead of the words "all the provinces in India", the words "whole of India except part 'B' States" were substituted by the Ministry of Commerce Notification No. 13 (84)-TP(T)—49 dated 12th August, 1950 and the words "Except part 'B' States" deleted and the words "except the State of Jammu and Kashmir" added by the Ministry of Commerce Notification No. 13 (84) T. P. (T.)—49, dated 13th January, 1951.

(b) Added by the Ministry of Commerce Notification No. 13 (84) T.P. (T.)—49 dated 13th January, 1951.

(c) The words "other than a place in Pakistan" inserted by Ministry of Commerce Notification No. 67 C. W. (25)—48, dated 13th June 1949, deleted by that Ministry Notification No. 67-C. W. (25)—48, dated 30th June, 1949.

- (b) "Export Trade Controller" means an Export Trade Controller appointed by the Central Government and includes any other officer authorised by the Central Government to perform all or any of the functions of an Export Trade Controller under this Order;
- (c) "exporter" means a person holding a valid export license issued by or under the orders of an Export Trade Controller authorising him to export cloth or yarn;
- (d) "carrier" includes any person engaged in the business of transporting property from any Province in India to a place outside India by land, air or water;
- (e) "cloth", "yarn", "dealer", "manufacturer", "producer" and "processor", shall have the meanings respectively assigned to them in the Cotton Textiles (Control) Order, 1948;
- (f) "Textile Commissioner" means the Textile Commissioner, the Additional Textile Commissioner or the Joint Textile Commissioner appointed by the Central Government and includes any officer authorised by such Textile Commissioner to exercise all or any of the powers of the Textile Commissioner under this Order; (e)

3. Save in accordance with the permission of the Textile Commissioner and subject to such conditions as he may impose as to selling price the markings to be made or otherwise, no person other than a producer shall sell, agree to sell or store for sale to any person any cloth or yarn manufactured for export: (f)

4. No person shall save in accordance with the general or special permission of the Textile Commissioner export, sell or agree to sell for export cloth or yarn which has been marked with prices. (g)

5. (i) The Central Government may by notification in the official Gazette direct that, from such date as may be specified in the notification all cloth or yarn exported or intended for export and the packing thereof shall conform to such minimum standard or specifications and shall bear such markings made at such time and in such manner as may be specified in the notification; and thereupon no person shall sell or otherwise dispose of and no person shall by or otherwise acquire for export any cloth or yarn which does not conform to these directions. Provided that the Central Government or the Textile Commissioner may by general or special order exempt any cloth or yarn of any class of cloth or yarn from the provisions of this sub-clause:

(ii) The Textile Commissioner may with a view to ascertain the quality or prices of cloth or yarn intended for export or with a view to securing compliance with sub-clause (i). (h)

(a) direct any person to give any information or produce any document in his possession with respect to any business in cloth or yarn carried on by that or any other person;

Page 1.

(d) Original Sub-clause (e) and sub-clause (h) deleted by Ministry of Commerce Notification No. 13 (7)-T. P. (T.)-50, dated 30th June, 1950.

(e) The words "selling price" deleted by Ministry of Commerce Notification No. 13 (7) T. P. (T.)-50 dated 16th February 1950, and inserted by the Ministry of Commerce Notification No. 13 (7)-T. P. (T.)-50, dated 25th March, 1950;

(f) The word "manufactured" inserted by Ministry of Commerce Notification No. 13 (29)-T. P. (T.)-49, dated 12th November, 1949.

Page 2.

(g) Clauses 5 and 8 deleted by Ministry of Commerce Notification No. 13 (7)-T. P. (T.)-50 dated 16th February, 1950.

(h) As substituted by the Ministry of Commerce Notification No. 13 (90)TP (T)-50 dated 7th October, 1950.

- (b) direct any manufacturer or exporter to furnish returns in respect of cloth or yarn sold by him for export and the prices charged therefor ;
- (c) inspect or cause to be inspected any cloth or yarn ;
- (d) direct any manufacturer or exporter to open any bale or package of cloth or yarn intended for export for the purpose of inspection ;
- (e) enter and search or *authorise* any person to enter and search any premises where cloth or yarn is manufactured or stored ;
- (f) enter and search or *authorise* any person to enter and search any premises, vehicles, vessels, or aircraft in which he has reason to believe any cloth or yarn intended for export is stored or carried ;
- (g) direct any manufacturer or exporter to furnish samples of any cloth, or yarn, such samples, in the case of cloth, being of dimensions of 6" x 6" and in the case of yarn, being not less than a hank ;
- (h) seize, or cause to be seized, any cloth in respect of which he has reason to believe that a contravention of sub-clause (i) has been committed.

6. No cloth or yarn shall be exported except by, or through the agency an exporter.

7. Any Export Trade Controller may with a view to securing compliance with this Order—

- (a) require any person to give any information or produce any document in his possession with respect to any business carried on by that or any other person ;
- (b) require any manufacturer or dealer to furnish returns in respect of cloth or yarn sold by him for export; (A)
- (c) inspect or cause to be inspected any cloth or yarn sold or intended to be sold for export ;
- (d) seize or cause to be seized any cloth or yarn in respect of which he has reason to believe that a contravention of this order has been committed.

8. No person shall refuse to give any information, produce any document or furnish any sample or return lawfully demanded from him under this Order or to comply with any other direction given under the Order. (B)

9. Every carrier by sea or air shall at the request of an exporter furnish him with a certificate showing the quantity of cloth or yarn contained in the consignment exported by him or through his agency, the name or other identifying particulars of the vessel or aircraft in which the consignment was exported and the date of such export.

10. A court trying any contravention of this Order may without prejudice to any other sentence which it may pass direct that any cloth or yarn in respect of which it is satisfied that such contravention has occurred shall be forfeited to the Central Government.

11. (i) The Cloth and Yarn (Export Control) Order, 1945 is hereby repealed ; provided that anything done or deemed to have been done under any provision of the said Order shall be deemed to have been done under the corresponding provision of this Order, and any reference in any instrument to any provision of the said Order or any notifications issued thereunder shall be deemed to be a reference to the corresponding provision of this Order or any notification issued thereunder.

(ii) Any order corresponding to this Order and in force in any Part B State immediately before 13th January, 1951 is hereby repealed. (c)

(A) The words "and prices charged therefor" deleted by Ministry, of Commerce Notification No. 13 (7)-TP (T)—50, dated 16th February 1950.

(B) Inserted by the Ministry of Commerce Notification No. 13 (90)-TP (T)—50, dated 7th October 1950.

(C) Inserted by the Ministry of Commerce Notification No. 13 (84)-TP (T)—49, dated 13th January, 1951.

MINISTRY OF COMMERCE
EXPORT TRADE CONTROL
NEW DELHI,

374

the 26th March, 1949.

No. 67-C.W. (25 A)—48. In exercise of the powers conferred by sub-clause (i) of clause 6 of the Cotton Textiles (Export Control) Order, 1949, and in supersession of the notification of the Government of India in the Department of Commerce No. 67-CW (15 B) 3—45, dated the 22nd June, 1946, the Central Government is pleased to specify herein the markings to be made, and the time and manner of making them, on cloth or yarn intended for export and packed by any manufacturer or contracted by him for delivery on or after the 15th April, 1949.

2. *Cloth.*—(1) The markings to be made on such cloth shall be:—

- (i) the words "For Export Only";
- (ii) the Texmark and the manufacturer's distinguishing number as provided by the Notification of the Textile Commissioner No. T.C. (6) 1—44, dated the 19th February, 1944. (A)
- (iii) the width of the cloth;
- (iv) in the case of cloth of the kind specified in column 1 of the table below, the marking specified in corresponding entry in column 2 thereof.

THE TABLE.

<i>Kind of cloth</i>	<i>Marking</i>
(1) Where the count of warp yarn employed is 17s or finer but does not exceed 35s or where such count exceeds 35s but the count of weft yarn employed is 37s or less.	Medium.
(2) Where the count of warp yarn employed exceeds 35s but is less than 48s and the count of weft yarn exceeds 37s.	Fine.
(3) Where the count of warp yarn employed is 48s or finer and the count of weft yarn exceeds 37s.	Fine (Super).
(v) the actual counts of the warp and the weft yarn employed, preceded by the words "warp" and "weft" respectively.	
(vi) the month and year of packing.	

(2) The markings shall be made on such piece of cloth at a distance of not more than "eighteen inches" from the nearest end: provided that in the case of bed spreads, table cloths or furnishing fabrics such markings shall be made on a piece of cloth securely sewn to the item or piece. (B)

(3) The markings other than those referred to in item (ii) in sub-paragraph (1) shall be made in legible letters and figures not less than $\frac{1}{4}$ " in height. (C)

(4) Notwithstanding anything contained in sub-paragraphs (1), (2) and (3) above, in the case, of towels, handkerchiefs, dusters and napkins, the following mark

- (A) Sub-clause (ii) regarding stamping of Serial No. deleted by Ministry of Commerce Notification No. 13 (42)-TP (T)—50, dated 15th July 1950.
- (B) The words "one yard" changed to "eighteen inches" by Ministry of Commerce Notification No. 13 (42)-TP (T)—50, dated 15th July 1950.
- (C) Amended by Ministry of Commerce Notification No. 13 (42)-TP (T)—50, dated 15th July 1950.

ings alone in legible letters and figures shall be made on a paper label or on a piece of cloth securely attached to each item, namely:—(D)

- (a) The words "For Export Only";
- (b) The manufacturers' distinguishing number preceded by the letters "TN";
- (c) Month and year of packing.

(5) Notwithstanding anything contained in sub-paragraphs (1), (2) and (3) above in the case of pieces of cloth less than three yards in length other than towels, handkerchiefs, dusters and napkins, the following markings alone shall be made in legible letters and figures not less than $\frac{1}{4}$ " in height, namely:—

- (a) The words "For Export Only";
- (b) The manufacturer's distinguishing number preceded by the letters "TN";
- (c) Month and year of packing.

3. Yarn.—(1) The markings to be made on such yarn shall be:—

- (i) the words "For Export Only";
- (ii) the Texmark and the manufacturer's distinguishing number as provided by the Notification of the Textile Commissioner No. T. C. (6) 1—44, dated 19th February, 1944.
- (iii) the count of the yarn;
- (iv) the cotton from which it is made (whether Indian or Foreign);
- (v) whether single or folded;
- (vi) whether carded or combed;
- (vii) whether processed;
- (viii) month and year of packing.

(2) The markings shall be made on the wrapper of each bundle of yarn or on a label attached thereto.

(3) The markings other than that specified in item (ii) of sub-paragraph (1) shall be in letters and figures not less than $\frac{1}{4}$ " in height.

(4) The markings specified herein shall be made before the cloth or yarn is packed or delivered by the producer.

(5) If any cloth or yarn sold for export is thereafter subjected to any ancillary process such as bleaching, dyeing, printing, calendering or mercerising, the markings, other than the Texmark, as provided in paragraph 2 or paragraph 3 as the case may be, shall be made thereon before it is packed or delivered, provided that—(E)

(i) the Texmark and distinguishing number of the person carrying out the processing shall be marked thereon in addition to the distinguishing number of the producer of the basic cloth or yarn,

(ii) the width to be stamped on the processed cloth shall be the actual width of the cloth as processed

(iii) the month and year of packing to be stamped on the processed cloth shall be the actual month and year of packing of the processed cloth.

(6) Nothing in this notification shall apply in relation to—

- (a) Handspun yarn,
- (b) Handloom cloth,
- (c) Pearl cord,
- (d) Sewing thread,
- (e) Embroidery thread,
- (f) Cotton string,
- (g) Cotton twine,

(D) Sub-clause (4) and sub-clause (5) inserted by the Ministry of Commerce Notification No. 13 (42)-TP (T)—60, dated 15th July 1950.

(E) Paragraph 5 as substituted by Ministry of Commerce Notification No. 13 (42)-TP (T)—60, dated 15th July 1950.

(h) Hard waste, i.e., categories of yarn particularly described below:—

- (1) Grey sized long ends.
- (2) Grey unsized long ends.
- (3) Coloured unsized long ends.
- (4) Coloured sized long ends.
- (5) Coloured sized short ends.
- (6) Grey unsized short ends.
- (7) Grey sized short ends.
- (8) Coloured unsized short ends.
- (9) Dirty beam ends.
- (10) Warping hard waste.
- (11) Bleached yarn waste.
- (12) Coloured yarn waste.
- (13) Coloured mixed yarn waste.
- (14) Winding hard waste.
- (15) Winding hard waste dirty.
- (16) Reeling hard waste.
- (17) Bobbin cut waste.
- (18) Bonda pincer waste.
- (19) Weaving sweeping.
- (20) Oily hard waste.
- (21) Pulled out and broken cops.

(i) Single cotton yarn of counts below is manufactured from 100 per cent waste.

- (j) Any piece of cloth, other than a handkerchief, napkin or towel which —
- (i) does not exceed 72" in length and 9" in width at any point in the direction at right angles to the longest length; (F)
- or (ii) has an area not exceeding 6½ square feet and does not exceed 43" at the widest point in any direction.

(k) Cotton Webbing.

(l) Cotton Belting.

(m) Tape including tape newar.

(n) Bias bindings not exceeding 2" in width.

(o) Surgical dressings.

(p) Sanitary Towels.

(q) Tabular bandings.

(r) Lace and other edgings, trimmings and borders, not exceeding 6" in width.

(s) Cloth produced by a producer, haying, no spinning plant provided it is marked with the Texmark and manufacturer's distinguishing number and the month and year of packing as required by the Textile Commissioner's Notification No. T.C. (6) 1-44, dated the 19th February, 1944. (G)

(t) Tarpaulins made of Cotton Jute Union Cloth. (H)

(u) Cloth and yarn sold by the Government of India for export outside India and duly stamped with the markings prescribed for such cloth in the Textile Commissioner's Notification No. 9 (9)-Tex. 1-49, (i), dated the 6th July, 1950.

(v) Cotton bed-spreads handprinted by a member of any Processors' Association at Farrukhabad and stamped with any of the three texmark, distinguishing numbers, 1330, 1335 and 1724 together with any sub-number and the month and year of packing by the processors. (i)

(F) Inserted by Ministry of Commerce Notification No. 67-CW (25-A)-48, dated 25th June 1949.

(G) Inserted by Ministry of Commerce Notification No. 67-CW (25-A)-48, dated 16th July 1949.

(H) Inserted by Ministry of Commerce Notification No. 13 (55)-TP (T)-50, dated 24th June 1950 and as amended by the Notification No. 13 (55)-TP (T)-50, dated 12th August 1950.

(I) Inserted by Ministry of Commerce Notification No. 13 (55)-TP (T)-50, dated 9th September 1950.

MINISTRY OF INDUSTRY AND SUPPLY

NOTIFICATION

Bombay, the 26th March 1949.

No. 27/1-T (2)/ 48 (ii).— In pursuance of sub-clause (g) of clause 2 of the Cotton Textiles (Export Control) Order, 1949, I hereby, authorise each of the officers specified below to exercise the powers of the Textile Commissioner under clauses 3, 4, 5 and 6 of the Cotton Textiles (Export Control) Order, 1949 :—

1. Mr. V. M. Srikumaran, Deputy Assistant Director, Office of the Textile Commissioner, Bombay.

2. Mr. S. R. Ramakrishnan, Deputy Assistant Director, Office of the Textile Commissioner, Bombay.

T. P. BARAT,
Textile Commissioner.

MINISTRY OF INDUSTRY AND SUPPLY

NOTIFICATION

Bombay, the 22nd April 1950.

No. 32/6 Tex. 2/50.—In pursuance of sub-clause (f) of Clause 2 of the Cotton Textiles (Export Control) Order, 1949, and in supersession of the Textile Commissioners Notification No. 27/1-T (2)/48 (ii) dated 15th October 1949, I hereby authorise each of the officers specified in column (2) of the table below to exercise on my behalf within the area specified in column (3) thereof, the functions of the Textile Commissioner specified in paragraphs (a), (b) and (c) of sub-clause (ii) of clause 5 of the said Order.---

Sl. No.	Designation of the Officer	Area
1	The Director of Controlled Commodities, Madras and all Assistant Textile Commissioners working under him.	Madras State.
2	All District Textile Control Officers and Textile Inspectors in the State of Madras.	Within their respective jurisdictions.
3	The Controller, the Dy. Controller and the Assistant Controller of Supplies and Transport, Orissa.	Orissa.
4	All Supervisors of Textiles (Head Quarters) and all Inspectors of Textiles (Head Quarters) in the State of Orissa.	Do
5	All supervisors of supplies (Head Quarters) and all Inspectors of Supplies (Head Quarters) in the State of Orissa.	Do
6	All Supervisors of Supplies, all Inspectors of Supplies, all Civil Supplies Officers, Assistant Civil Supplies Officers and Sub-divisional Officers in the State of Orissa.	Within their respective jurisdictions.

Sl. No.	Designation of the Officer	Area
7	Director, and Deputy Director of Textiles, West Bengal.	West Bengal.
8	Director and Deputy Directors of Enforcement, Civil Supplies Department, West-Bengal.	Do.
9	Provincial Textile Commissioner, Shillong	Assam.
10	Dy. and Assistant Provincial Textile Commissioners, Assam.	Do
11	All Sub-divisional Magistrates in Assam	Within their respective jurisdictions.
12	Cloth Controller, Bihar.	Bihar.
13	All Magistrates and Cloth Inspectors in the State of Bihar.	Within their respective jurisdictions.
14	Officer on Special duty, Commerce and Industries, Civil Supplies Department, Madhyapradesh.	Madhyapradesh.
15	Provincial Textile and Yarn Commissioner, Nagpur.	Do.
16	The Secretary, Deputy Secretary and Additional Dy. Secretary to the Government of Uttarpradesh (Civil Supplies) (B) Dept., Lucknow.	Uttarpradesh.
17	The provincial Textile Controller, Kanpur	Do.
18	All District Supply Officers in and all Additional District Supply Officers, Uttarpradesh.	Within their respective jurisdictions.
19	All Piecegoods Inspectors in Uttarpradesh	Within their respective Jurisdictions.
20	Director of Civil Supplies, Assistant Director of Civil Supplies (Textiles), Officer-in-charge, Investigation Bureau and all Inspectors (Textiles) in Delhi State.	Delhi State.
21	Director and Deputy Director, Civil Supplies, Punjab and Assistant Director of Civil Supplies (Cloth), Punjab.	Punjab.
22	All District Organisers, Civil Supplies and Rationing, and all Civil Supplies Distribution Officers, in the districts of Gurdaspur, Amritsar and Ferozpur in the Punjab State.	Within their respective jurisdictions.
23	Yarn Commissioner, Ajmer	Ajmer State.
24	The Provincial Textile Controller, the Deputy Provincial Textile Controller and Assistant Provincial Textile Controller, Bombay.	Bombay State.
25	All Textile Inspectors working under the Provincial Textile Controller, Bombay.	Within their respective jurisdictions.
26	All Police Officers not below the rank of a Sub-Inspector, working in the Special Police Establishment, (Ministry of Home Affairs) at their Head Office at New Delhi or at the Branch Offices at Bombay, Madras and Jubbulpore.	Do.
27	All Land Customs Offices under the Collectors of Central Excise.	Do.
28	All Customs Officers under the Collectors of Customs not below the rank of a Preventive Officer.	Do.
29	All Police Officers not below the rank of a Sub-Inspector in any of the States.	Do.
30	All District Magistrates in any of the States.	Do.

T. P. BARAT,
Textile Commissioner.

MINISTRY OF INDUSTRY AND SUPPLY**Office of the Textile Commissioner****NOTIFICATION***Bombay, 1, the 18th August, 1950*

No. 32/6-Tex. 2/50.—In pursuance of sub-clause (f) of Clause 2 of the Cotton Textiles (Export Control) Order, 1949, I hereby direct that the following amendment shall be made in the Textile Commissioner's Notification No. 32/6-Tex. 2/50, dated the 22nd April, 1950 namely:—

For the existing S. No. 27, the following shall be substituted:—

"All Land Customs Officers and all Central Excise Officers under the Collectors of Central Excise"—Within their respective jurisdictions.

T. P. BARAT,
Textile Commissioner.

MINISTRY OF INDUSTRY AND SUPPLY**Office of the Textile Commissioner****NOTIFICATION***Bombay, the 22nd July, 1950*

No. 5/5-Tex (2)/50.—In pursuance of sub-clause (f) of clause 2 of the Cotton Textiles (Export Control) Order, 1949, I hereby authorise Shri P. S. Naidu, Officer on Special Duty, Cotton Textiles Fund Committee, to exercise on my behalf the powers of the Textile's Commissioner under clause 5 (ii) of the said Order.

T. P. BARAT,
Textile Commissioner.

NOTIFICATION.

No. C. 1597—C.O. 40-50-8, dated Bangalore, the 9th March 1951.

Ordered that the following Notification No. P.C.—7(2)/50, dated the 16th February, 1951, of the Government of India Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950, (LXX of 1950) be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

*Secretary to Government,
Food and Agricultural Departments.*

GOVERNMENT OF INDIA, MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 16th February, 1951.

No. P. C.—7 (2)/50.—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950, (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the late Ministry of Industry and Supply No. S. R. O. 66, dated the 15th January, 1951, namely :—

In the Schedule annexed to the said notification in the entry in column 3 against each of items 1 and 3 for clause (a) the following clause shall be substituted namely :—

"(a) actual railway freight by goods train from any of the localities specified in column 2 to the place of destination, and "

Order.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir), all Chief Commissioners of Part C States including Andaman and Nicobar Islands, all Ministries of the Government of India, Cabinet Secretariat, Prime Minister's Secretariat, Secretary to the President, the Indian Trade Commissioners, all Indian Embassies, the High Commissioner for India, London, His Majesty's Trade Commissioner in India, all Chambers of Commerce and Associations, the Director-General of Commercial Intelligence and Statistics, Calcutta, the High Commissioner for India in Pakistan, Karachi, the High Commissioner for Pakistan in India, New Delhi, the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

P. S. SUNDARAM,

Under Secretary to the Government of India.

GOVERNMENT OF INDIA, MINISTRY OF COMMERCE AND INDUSTRY.**NOTIFICATION.***New Delhi, the 16th February 1951.*

No. P. C.—18 (1)/51.—In pursuance of section 7 of the Supply and Prices of Goods Act, 1950, (LXX of 1950), the Central Government hereby directs that the following amendment shall be made to the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 166, dated the 1st February 1951, namely :—

In the said notification for the words "Secretary to the Government of India" the words and brackets "Deputy Development Officer (Chemicals)" shall be substituted.

Order.

ORDERED that a copy of the above notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

P. S. SUNDARAM,

Under Secretary to the Government of India.

GOVERNMENT OF INDIA, MINISTRY OF COMMERCE AND INDUSTRY.**NOTIFICATION.***New Delhi, the 16th February, 1951.*

No. P. C.—18 (1)/51.—In exercise of the powers conferred by sections 13 and 19 of the Supply and Prices of Goods Act, 1950, (LXX of 1950) and all other powers enabling it in this behalf, the Central Government hereby directs that the following amendments shall be made to the notification of the Government of India in the Ministry of Commerce and Industry No. S. R. O. 167, dated the 1st February 1951, namely :—

In the said notification :—

(1) In clause (a), for the words "Secretary to the Government of India in the Ministry of Commerce and Industry or any officer authorised by him in writing in this behalf" the words "Central Government or any officer authorised by it in this behalf" shall be substituted.

(2) In clause (b), for the word "Secretary" in both the places where it occurs the words and brackets "Deputy Development Officer (Chemicals)" shall be substituted.

Order.

ORDERED that a copy of the above notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

P. S. SUNDARAM,

Under Secretary to the Government of India.

GOVERNMENT OF INDIA, MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 16th February 1951.

No. P. C.—18 (1)/51.—In exercise of the powers conferred by section 26 of the Supply and Prices of Goods Act, 1950, (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the Sulphur Stock (Regulation) Rules, 1951, namely:—

In Rule 2 of the said Rules, for the words "Secretary to the Government of India in the" the words and brackets "Deputy Development Officer (Chemicals)," shall be substituted.

Order.

ORDERED that a copy of the above notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands, all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board; and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

P. S. SUNDARAM,

Under Secretary to the Government of India.

NOTIFICATION.

No. C. 1589—C. O. 40-50-6, dated Bangalore, 9th March 1951.

Ordered that the following four Notifications No. P. C.—18 (1)/51, dated the 16th February 1951, of the Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950, (LXX of 1950), be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

*Secretary to Government,
Food and Agricultural Departments.*

GOVERNMENT OF INDIA, MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 16th February 1951.

No. P. C.—18 (1)/51.—In exercise of the powers conferred by clause (a) of the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 167, dated the 1st February 1951, the Central Government hereby authorises the Deputy Development Officer (Chemicals) attached to the Ministry of Commerce and Industry to issue a general or special authority to a dealer for the sale or disposal of sulphur.

P. S. SUNDARAM,

Under Secretary to the Government of India.

PART IV

Section 2-B

**NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER
MYSORE ACTS AND ORDINANCES.**

NOTIFICATIONS.

(HOME DEPARTMENT).

No. H.A. 12121—Pol. 659-50-4, dated Bangalore, 29th March 1951.

In exercise of the powers conferred by Section 8 of the Preventive Detention Act, 1950, (Central Act IV of 1950) as amended by the Preventive Detention (Amendment) Act, 1951 (Central Act IV of 1951), and in modification of Notification No. H.A. 11817—Pol. 659-50-3, dated the 20th March 1951, constituting an Advisory Board for the purpose of the said Act, His Highness the Maharaja of Mysore is pleased to appoint Sri S. Kanakaratanaraj, B.A., B.L., Principal District Judge, Bangalore, as one of the Members of the said Board, in place of Justice Sri B. Vasudeva Murthy, B.A., LL.B., Judge, High Court of Mysore.

By Order of His Highness the Maharaja,

K. SRINIVASAN,

Chief Secretary to Government.

No. II. 13300—Cm. 65-50-2, dated Bangalore, 31st March 1951.

In exercise of the powers conferred by Section II of the Mysore Amusements Tax Act, 1932 (Mysore Act VIII of 1932), His Highness the Maharaja of Mysore is pleased to declare the Chairman of the Central Board of Film Censors, the members of the Board or Advisory Panel and a Regional or an Assistant Regional Officer as inspecting Officers authorised by the State Government within the meaning of the said section.

By Order of His Highness the Maharaja.

No. A.F. 2—Ft. 45-49-5, dated Bangalore, the 2nd April 1951.

In exercise of the powers conferred by Sections 35, 37, 71 and 76 of the Mysore Forest Act, 1900, (XI of 1900), His Highness the Maharaja of Mysore is pleased to direct that the following amendments shall be made to the rules for regulating the transit of timber, firewood, charcoal and bamboos from all lands other than Coffee lands issued in Notification No. A.F. 2180—Ft. 45-49-2, dated the 19th September 1949, namely:—

(i) In the Schedule A to the said rules the words “Mandya Town Municipal limit in Mandya District” shall be omitted, and

(ii) the words “Taluk of Kankanhalli of Bangalore District” shall be added.

2. The following amendment shall also be made to the rules for the control of private saw pits, saw mills or any other sawing contrivance issued in Notification No. A.F. 2181—Ft. 45-49-2, dated 19th September 1949, namely:—

In the schedule to the said rules, the words “3 Kankanhalli Taluk of Bangalore District” shall be added.

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,

*Secretary to Government,
Local Self-Government Department.*

No. D. 8749—I. & C. 297-50-1, dated Bangalore, 29th March 1951.

In exercise of the powers vested in them under Rule 6 of the Rules framed under the Mysore Sugar Factory Sugarcane Cess Act, 1948, the Government of Mysore are pleased to specify Rupees three per ton as the rate of cess leviable for the year 1950-51.

By Order of His Highness the Maharaja,

R. J. REGO,

*Secretary to Government,
Development Department.*



The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, MONDAY, APRIL 2, 1951.

PART IV

Section 2-A.

**BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON
AND ACTS AND ORDINANCES OF MYSORE.**

NOTIFICATION.

No. L.D. 1—Legis. 1 51-1, Bangalore, dated 2nd April 1951.

Ordered that the accompanying Mysore Appropriation No. 2 Act, 1951, which received the assent of His Highness the Maharaja, on the 31st day of March 1951, be published as Mysore Act No. X of 1951, in the *Mysore Gazette*, for general information.

MYSORE ACT NO. X OF 1951.

THE MYSORE APPROPRIATION No. 2 Act, 1951.

*(Received the assent of His Highness the Maharaja
on the 31st day of March 1951.)*

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one.

Preamble

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Appropriation No. 2. Act, 1951.

Issue of
Rupees
7,64,000
out of the
Consolidated
Fund of the
State for the
year 1950-51.

2. From and out of the Consolidated Fund of the State there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of seven lakhs sixty-four thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one.

SCHEDULE.

[See sections 2 and 3]

1	2	3
No. of vote	Services and purposes	Sums not exceeding
		Voted by the Legislative Assembly
	A. Expenditure met from Revenue.	Rs.
1	1. Land Revenue	4,97,000
7	12. General Administration	17,000
32	II Forest—1. Sandal Oil— Operation Expenses	2,50,000
	Total	7,64,000

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
*Legal Remembrancer and
 Secretary to Government,
 Law Department.*



The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, MONDAY, APRIL 2, 1951.

PART IV

Section 2-A.

**BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON
AND ACTS AND ORDINANCES OF MYSORE.**

NOTIFICATION.

Order No. L.D. 2—Legis. 2-51-1 Bangalore, dated 2nd April 1951.

Ordered that the accompanying Mysore Appropriation No. 3 Act, 1951, which received the assent of His Highness the Maharaja, on the 31st day of March 1951 be published as Mysore Act No. XI of 1951, in the *Mysore Gazette*, for general information.

MYSORE ACT No. XI OF 1951.

THE MYSORE APPROPRIATION No. 3 ACT, 1951.

*(Received the assent of His Highness the Maharaja on the
31st day of March 1951.)*

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

Preamble.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore Appropriation No. 3 Act, 1951.

Issue of
Rupees
29,48,22,700
out of the
Consolidated
Fund of the
State for the
year 1951-52.

2. From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two thousand nine hundred and forty-three lakhs, twenty-two thousand and seven hundred rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

SCHEDULE.

(See sections 2 and 3)

1 No. of vote	2 Services and purposes	3 Sums not exceeding		
		Voted by the Legis- lative Assembly	Charged on the Consolida- ted Fund	Total
	A. EXPENDITURE MET FROM REVENUE.	Rs.	Rs.	Rs.
1	7 Land Revenue	25,21,000	...	25,21,000
2	8 State Excise Duties	16,90,000	...	16,90,000
	9 Stamps	1,89,000	...	1,89,000
4	10 Forest	37,66,000	...	37,66,000
5	11 Registration	4,29,000	...	4,29,000
6	12 Charges on account of Motor Vehicles Acts ...	6,56,000	...	6,56,000
7	13 Other Taxes and Duties	4,28,000	...	4,28,000
8	18 Other Revenue Expenditure financed from Ordinary Revenue.	48,01,000	...	48,01,000
9	19 Construction of Irrigation, Navigation, Embankment and Drainage Works	30,75,000	...	30,75,000
10	22 Interest on Debt and other obligations ...			
	17 Interest on works for which capital accounts are kept ...	34,20,000	47,91,000	82,11,000
	52 Interest on capital outlay on Electricity Schemes			
	23 Appropriation for Reduction or avoidance of Debt ...	...	20,00,000	20,00,000
11	25 General Administration (except B. C. and F.) ...	25,43,000	3,87,600	29,30,600
12	25 Do (B. Parliament and the State Legislature and C. Elections for Legislature).	10,15,600	16,800	10,32,400
13	25 General Administration (F. District Administration) ...	31,20,000	...	31,20,000
14	27 Administration of Justice	20,95,600	2,67,400	23,63,000
15	28 Jails	6,84,000	...	6,84,000
16	Police	91,75,000	...	91,75,000
17	36 Scientific Departments	2,82,000	...	2,82,000
18	37 Education	3,08,96,000	...	3,08,96,000
19	38 Medical	92,24,000	...	92,24,000
	Public Health	42,68,000	...	42,68,000
21	40 Agriculture (except Horticulture)	60,24,700	...	60,24,700
22	40 (h) Botanical and Other Public Gardens	8,05,300	...	8,05,300
23	40A. Rural Department	54,69,000	...	54,69,000
24	41 Veterinary charges	23,47,000	...	23,47,000
	42 Co-operation	5,24,000	...	5,24,000
	43 Industries and Supplies except Sericulture	85,73,600	...	85,73,600

1 No. of vote	2 Services and purposes	3 Summs not exceeding		
		Voted by the Legisla- tive Assembly	Charged on the Consolida- ted Fund	Total
		Rs.	Rs.	Rs.
27	43 a-4. Sericulture	10,35,400.	...	10,35,400
28	47 Miscellaneous Departments	12,81,000	...	12,81,000
29	50 Civil Works	2,02,50,500	...	2,02,50,500
30	54A. Territorial and Political Pensions	2,85,000	...	2,85,000
31	55 Superaunuation Allowances and Pensions	87,04,000	1,00,000	98,04,000
32	56 Stationery and Printing	14,25,000	...	14,25,000
33	57 Miscellaneous	13,07,000	...	13,07,000
34	63 Extraordinary charges	19,50,000	...	19,50,000
35	X. Forest—3. (i) Wood Preservation Plant—Working Ex- penses and Seigniorage	3,00,000	...	3,00,000
36	XVII. I.N.E. and D. Works for which capital accounts are kept—Working Expenses	24,66,300	...	24,66,300
37	XXXII. Industries and Supplies—(a) Industries—Working Expenses	4,65,65,100	...	4,65,65,100
38	XLI. Receipts from Electricity Scheme—Working Expenses	87,72,300	...	87,72,300
39	XLVI-A. Receipts from Road Transport Schemes—Work- ing Expenses	34,59,000	...	34,59,000
40	Capital outlay not met from Revenue— 68 Construction of I.N.E. and D. Works outside the Revenue Account	96,03,000	...	96,03,000
41	70 Capital outlay on Improvement of Public Health	8,15,000	...	8,15,000
42	72 Capital outlay on Industrial Development	2,35,92,000	...	2,35,92,000
43	81-A. Capital outlay on Electricity Schemes	4,16,33,000	...	4,16,33,000
44	82-B. Capital outlay on Road Transport Schemes	7,50,000	...	7,50,000
45	85-A. Capital outlay on Provincial Schemes of State Trading	20,00,000	...	20,00,000
46	Loans and Advances by the State Government	1,25,44,500	...	1,25,44,500
	Total	23,67,59,900	75,62,800	29,43,22,700

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Reg. No M. 1175.



The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, TUESDAY, APRIL 3, 1951.

PART IV

Section 2-A

**BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON
AND ACTS AND ORDINANCES OF MYSORE.**

NOTIFICATION.

Order No. L.D. 10—Legis. 7-51-1, dated Bangalore, 3rd April 1951.

Ordered that the accompanying Mysore Motor Vehicles Taxation and Tolls Act, 1951, which received the assent of His Highness the Maharaja, on the 31st day of March 1951, be published as Mysore Act No. XII of 1951, in the *Mysore Gazette*, for general information.

THE MYSORE MOTOR VEHICLES TAXATION AND TOLLS ACT, 1951.

ARRANGEMENT OF SECTIONS.

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II.

TAXATION.

3. Levy of taxes on motor vehicles.
4. Payment of tax and issue of licence.
5. Carriage of tax licence on vehicle.
6. Penalty for failure to pay tax.
7. Recovery of tax as an arrear of land revenue.
8. Exemption from or reduction of tax.

CHAPTER III.

TOLLS.

9. Power to cause levy of tolls on roads and bridges and to appoint collectors.
10. Establishment of toll bars.
11. Recovery of toll.
12. Evasion of payment of toll.
13. Penalty.
14. Penalty for fraudulently passing a toll bar.
15. Composition of tolls.
16. Composition of tolls in respect of a single toll bar.
17. Exemption from or reduction of toll.

CHAPTER IV.

MISCELLANEOUS.

18. Crediting of the proceeds of taxes and tolls.
19. Utilisation of the proceeds of taxes and tolls.
20. Savings as to vehicles used for agricultural purposes.
21. Municipalities not to levy taxes or tolls on motor vehicles.
22. Payment to District Boards and Municipalities for loss of tolls and vehicles tax.
23. Jurisdiction of courts.
24. Officers to be deemed public servants.
25. Protection of action taken in good faith.
26. Power of Government to make rules.
27. Penalty for offences for which no other penalty is provided for.
28. Repeal and savings.

THE MYSORE MOTOR VEHICLES TAXATION AND TOLLS ACT, 1951.

*(Received the assent of His Highness the Maharaja
on the 31st day of March 1951).*

**An Act to consolidate and amend the law relating to the levy of
taxes on motor vehicles and tolls in the State of Mysore.**

WHEREAS it is expedient to consolidate and amend the law relating to the levy of taxes on motor vehicles and tolls in the State of Mysore;

Preamble.

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Motor Vehicles Taxation and Tolls Act, 1951.
- (2) It extends to the whole of the State of Mysore.
- (3) It shall come into force on the 1st day of April, 1951.

Short title,
extent and
commence-
ment.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) "Motor Vehicles Act, 1939" means the Motor Vehicles Act, 1939, (Central Act IV of 1939);

(2) The following expressions shall have the meanings assigned to them respectively in the Motor Vehicles Act, 1939,—

(a) "contract carriage,"

(b) "goods,"

(c) "goods vehicles,"

- (d) "invalid carriage,"
- (e) "motor cab,"
- (f) "motor cycle,"
- (g) "motor vehicles,"
- (h) "stage carriage,"
- (i) "trailer,"
- (j) "unladen weight,"

(3) "Government" means the State Government;

(4) "laden weight" in relation to—

(a) a motor vehicle means, in case a permit is issued to the vehicle under the Motor Vehicles Act, 1939, the maximum laden weight specified in such permit; if no such permit is issued, the maximum laden weight specified in the registration certificate of the vehicle, and, if such weight is not specified in such certificate, the maximum laden weight of the vehicle determined in such manner as the licensing officer may deem fit;

(b) a trailer means, in case a permit is issued under the Motor Vehicles Act, 1939, to a vehicle to which the trailer is attached the maximum laden weight prescribed in such permit in respect of the trailer; if, no such permit is issued, the maximum laden weight specified in respect of the trailer in the registration certificate of the vehicle to which the trailer is attached, and, if such weight is not specified in such certificate, the maximum laden weight of the trailer determined in such manner as the licensing officer may deem fit;

(5) "licensing officer" means an officer appointed by the Government to exercise the powers and perform the functions of a licensing officer under this Act;

(6) "local authority" means the Corporation of the City of Bangalore, a City Municipal Council or such Town Municipal Council or Sanitary Board or Town Board as the Government may specify by notification;

(7) "notification" means a notification published in the *Mysore Gazette*;

(8) "prescribed" means prescribed by rules made under this Act;

(9) "public road" means any street, road, square, court, alley, passage, or riding path over which the public have a right of way, whether a thoroughfare or not, and includes the roadway over any public bridge or causeway;

(10) "registered owner" means a person in whose name a motor vehicle or trailer is registered under the Motor Vehicles Act, 1939;

(11) "schedule" means a schedule to this Act;

(12) "side car" means a wheeled carrier attached to a motor vehicle which rests on not more than two wheels;

(13) "tax" means a tax levied under this Act;

(14) "tax licence" means the document issued by a licensing officer in respect of any motor vehicle indicating that taxes leviable on that vehicle under this Act have been paid;

(15) "year" means the financial year; "half-year" means the first six months or the second six months of such year; and "quarter" means the first three months or the second three months of the half-year.

CHAPTER II.

TAXATION.

3. The Government may, by notification, from time to time, direct the levy of all or any of the following taxes on motor vehicles used, or kept for use, in the State at rates not exceeding those prescribed in the First Schedule and subject to the privileges, conditions, exemptions and limitations specified therein, that is to say,—

Levy of
taxes on motor
vehicles.

(a) a vehicle tax on motor cycles, invalid carriages, motor cars and goods vehicles used solely for purposes of agriculture;

(b) a road tax on goods vehicles;

(c) a service tax on public service vehicles used for carrying passengers; and

(d) a mileage cess on stage and contract carriages excluding motor cabs.

Payment of
tax and issue
of licence.

4. (1) After the issue of a notification under section 3, no motor vehicle shall be used on any public road in the State, unless the registered owner, or the person having possession or control, of such vehicle has obtained a tax licence under sub-section (7) in respect of the vehicle.

(2) The vehicle tax levied under section 3 shall be payable for the year and in advance by the registered owner, or the person having possession or control, of the motor vehicle :

Provided, that the Government may, by notification, allow payment of the tax for half-yearly periods at the rate of half the tax payable for the year.

(3) Taxes other than the vehicle tax shall be payable for the quarter and in advance. The taxes due for two or more consecutive quarters of the same year may be paid in advance.

(4) Notwithstanding anything contained in section 3 and sub-sections (2) and (3) of this section, the Government may, by notification from time to time, direct the levy of taxes, at rates not exceeding those specified in Part E of the First Schedule, on motor vehicles belonging to, or in the possession and control, of persons, not ordinarily residing in the State and used or kept for use in Mysore by such persons for periods shorter than the half-year or the quarter, as the case may be, but not exceeding thirty days at a time. The levy of the taxes shall be subject to such conditions as may be specified by the Government, in the said notification.

(5) Where a tax on any motor vehicle has been paid for any period and the vehicle has not been used during the whole of that period, or a continuous part thereof, not being less than one calendar month, a refund of the tax at such rates as may, from time to time, be specified by notification by the Government, shall be payable, subject to such conditions as may be specified in the said notification.

(6) Notwithstanding anything contained in sub-section (1), no person shall be liable to tax during any period on any taxable motor vehicle, if the tax due on such vehicle for the same period has already been paid by some other person.

(7) When any person pays the amount of tax due on any taxable motor vehicle in the State, or proves to the satisfaction of the licensing officer that no tax is payable on any motor vehicle, the licensing officer shall—

- (i) grant to such person a tax licence, in such form as may be prescribed, to use the vehicle on public roads in the State for the period or periods concerned;
- (ii) record that the tax has been paid for a specified period or periods, or that no tax is payable on the vehicle, as the case may be, in the certificate of registration granted, or renewed, in respect of the vehicle under the Motor Vehicles Act, 1939, or, in the case of vehicles not registered under the said Act, in a certificate in such form as may be prescribed;

Provided that the Government may exempt from the provisions of this sub-section any person who has been exempted from the payment of the tax on any motor vehicle and prescribe the manner in which such exemption from payment of the tax is to be indicated.

5. (1) The tax licence granted in respect of a motor vehicle under sub-section (7) of section 4, shall be exhibited upon the vehicle in such manner as may be prescribed, and if such a licence is not so exhibited, the registered owner, or the person having possession or control, of such vehicle shall, on conviction, be punishable with fine which may extend to fifty rupees.

Carriage of
tax licence on
vehicle.

(2) The person in charge of any motor vehicle on any public road shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary, when required to do so by any police officer in uniform, not below the rank of Sub-Inspector, or, who, being below such rank, is empowered in this behalf by the Inspector-General of Police, Deputy Inspector-General of Police or the District Magistrate, for the purpose of satisfying himself that a tax licence has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a police officer or any other officer empowered under sub-section (2), shall, on conviction, be punishable with fine which may extend to fifty rupees.

Penalty for failure to pay tax.

6. If a tax due on any motor vehicle has not been paid, the registered owner, or the person having possession or control, of such vehicle shall, on conviction, be punishable with fine which may extend to fifty rupees; and the amount of the tax due by him on such vehicle shall also be recovered as if it were a fine.

Recovery of tax as an arrear of land revenue.

7. Any tax under this Act may also be recovered in the same manner as an arrear of land revenue. The motor vehicle on the tax is due or its accessories may be distrained or sold, whether such vehicle or accessories be, or be not in the possession or control of the person liable to pay the tax.

Exemption from or reduction of tax.

8. The Government may, by notification, exempt or reduce the rate of a tax payable—

- (i) by any person or class of persons, or
- (ii) in respect of any motor vehicle or class of motor vehicles.

CHAPTER III.

TOLLS.

Power to cause levy of tolls on roads and bridges and to appoint collectors.

9. Subject to the rules made by the Government in this behalf, the Government may cause such rates of tolls, not exceeding those specified in the Second Schedule, to be levied on any public road or bridge in the State, which has been, or shall hereafter be, constructed or repaired at the expense of the Government, or any District Board constituted under the Mysore District Boards Act, 1926, and may place the collection of such tolls under the management of any person and all persons employed in the management and collection of such tolls shall be liable to the same responsibility as would attach to them if employed in the collection of the land revenue.

Establishment of toll bars.

10. The Government may, from time to time, by notification declare the roads on which and the places where tolls shall be levied, and may abolish the collection of tolls on roads on which such tolls have been declared leviable, and may authorise the erection or removal of any toll bar for the purpose of carrying out the provisions of this section:

Provided that when it is proposed to establish a new toll bar on a road maintained by a District Board, or to

abolish an existing toll bar on such a road, such District Board shall be consulted before a decision is reached.

11. (1) In case of non-payment of any toll on demand, the person appointed or duly authorised to collect the same, may seize any of the vehicles or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll. Recovery of toll.

(2) If any such toll remains unpaid for twenty-four hours after the property has been seized under subsection (1), the said property shall, after twenty-four hours' notice, exclusive of Sunday or any public holiday, be sold by order of the officer authorised to superintend the collection of the said toll, by public auction in payment of the toll, and all expenses occasioned by such non-payment, seizure and sale, and any balance that may remain shall be returned, on demand, to the owner of the property :

Provided that, if at any time before the sale has actually begun, the person, whose property has been seized, tenders the amount of all the expenses incurred, and double the toll payable by him, the said officer shall forthwith release the property seized.

(3) Any amount due on account of toll may also be recovered as an arrear of land revenue.

12. No person shall, with intent to evade payment of toll, cause a vehicle or animal to leave a road on which a toll bar has been placed and pass over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier. Evasion of payment of toll.

13. Every person who --

- (a) not being a person appointed or authorised to collect tolls under this Act, levies or demands any toll on any public road or bridge or for passing through any bazaar situated on such road ; or Penalty.
- (b) unlawfully demands or takes any other or higher toll than the lawful toll ; or
- (c) under colour of this Act, seizes or sells any property knowing such seizure or sale to be unlawful, or in any manner unlawfully extorts money or any valuable thing from any person,

shall, on conviction before a magistrate, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees. Any part of such fine may be awarded by the magistrate to the person aggrieved.

Penalty for fraudulently passing a toll bar.

14. Any person who fraudulently or forcibly passes any toll bar, without paying the proper toll, or who obstructs the person appointed or duly authorised to collect the toll, in the discharge of his duties, shall, on conviction, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to fifty rupees.

Composition of tolls.

15. (1) Subject to such conditions as may be prescribed, any person may, in respect of a motor cycle, an invalid carriage, motor car or motor cab belonging to him, pay in lieu of all tolls, other than those levied at toll bars established on any road or bridge specified in the Fourth Schedule or a road or bridge constructed after the 1st of January, 1936, for the recovery of the amount expended upon such road or bridge, a quarterly composition fee at rates not exceeding the maxima specified in Part A of the Third Schedule. The payment of such composition fee shall exempt such vehicle from tolls levied by any municipal council.

(2) The composition fee payable under sub-section (1), shall be paid for the quarter and in advance.

(3) Any such person may pay in advance the composition fee payable under sub-section (1) for two or more consecutive quarters in the same year. When the fee is so paid, such rebate shall be allowed as may, from time to time, be specified by notification by the Government.

Composition of tolls in respect of a single toll bar.

16. Subject to such conditions as may be prescribed, any person may, in respect of any motor cycle, or invalid carriage, or a motor car not exceeding thirty hundredweights in weight, unladen, and constructed or adapted for the carriage of not more than seven persons including the driver, or stage carriage, or a cart drawn by a single bullock or bullocks, pay in lieu of all tolls payable at any one toll bar established under this Act, other than a frontier toll bar, an annual composition fee at rates not exceeding the maxima specified in Part B of the Third Schedule:

Provided that such composition under this section shall not—

- (i) be allowed in respect of more than one toll bar for any such motor cycle, invalid carriage, motor car, stage carriage or cart; and
- (ii) exempt such cart from tolls when laden with timber.

17. The Government may, by notification, exempt, or reduce the rate of toll payable—

- (i) by any person or class of persons, and
- (ii) in respect of any vehicle or animal or classes of vehicles or animals.

Exemption from or reduction of toll.

CHAPTER IV.

MISCELLANEOUS.

18. All taxes and tolls collected under this Act and the Mysore Highways Act, 1920, shall be credited to such Head in the State Accounts as the Government may by order specify.

Crediting of the proceeds of taxes and tolls.

19. (1) The Head of State Accounts specified under section 18, shall be debited under the order of the Government with the following charges, that is to say,—

Utilisation of the proceeds of taxes and tolls.

(i) such amount as the Government may, from time to time, determine on account of the expenses incurred in giving effect to the provisions of this Act and of the Mysore Highways Act, 1920;

(ii) payments made to local authorities under section 23; and

(iii) allotments made at the discretion of the Government for such other purposes as may be consistent with, or necessary for, the more efficient administration of this Act and the Mysore Highways Act, 1920.

(2) After meeting the charges under sub-section (1) the balance of the money in the Head of State Account specified under section 18, shall be used for the construction and maintenance of roads and bridges.

Savings as to vehicles used for agricultural purposes.

20. No tax under this Act other than the vehicle tax shall be levied on any motor vehicle used solely for the purposes of agriculture.

Explanation.—A motor vehicle used for transporting agricultural produce along a public road shall not, for the purpose of this section, be deemed to be used solely for the purposes of agriculture.

Municipalities not to levy taxes or tolls on motor vehicles.

21. Notwithstanding anything contained in the City of Bangalore Municipal Corporation Act, 1949, the Mysore City Municipalities Act, 1933, the Mysore Town Municipalities Act, 1933, and the Mysore Minor Municipalities Act, 1933, the Corporation of the City of Bangalore or any Municipal Council shall not levy a tax on motor vehicles, or a toll on such motor vehicles as are exempted from payment of municipal tolls under this Act.

Payment to District Boards and Municipalities for loss of tolls and vehicles tax.

22. (1) From the proceeds of the taxes and the tolls collected under this Act, the Government shall pay annually to each District Board, which prior to 1st January, 1936, was levying tolls, and to each Municipal Council which prior to 1st January, 1936, was levying a vehicle tax on motor vehicles, a sum determined by the Government, after consulting the District Board or the Municipal Council concerned, as representing the average annual income of each District Board from tolls and of each Municipal Council from vehicle tax on motor vehicles during the three years ending with the 30th day of June, 1935, after deducting therefrom such expenses of collection as may be determined by the Government.

(2) The Government may prescribe the conditions that should be taken into consideration in determining the amounts payable to a local authority under sub-section (1).

(3) Once in every three years, the Government may, after consulting the District Board or the Municipal Council concerned, prescribe the manner in which and the periods for which the amount payable thereafter to such District Board or Municipal Council shall be paid.

(4) The amount recovered in respect of the composition of tolls under section 15, the proceeds of the service tax under clause (c) of section 3 on all public service

motor vehicles plying or used solely within the jurisdiction of a Municipal Council and the proceeds of the mileage cess under clause (d) of section 3 shall be apportioned between the respective local authorities and the Government in such manner as may be determined by orders made by the Government.

Explanation.—In this section the expression “Municipal Council” includes the Corporation of the City of Bangalore.

23. No court inferior to that of a Second Class Magistrate shall try any offence punishable under this Act. Jurisdiction of courts.

24. Every officer appointed by the Government for carrying out the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Officers to be deemed public servants.

25. No suit, prosecution, or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act. Protection of action taken in good faith.

26. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act. Power of Government to make rules

(2) Any rule made under sub-section (1) may provide that a breach thereof shall, on conviction, be punishable with fine which may extend to fifty rupees.

27. Whoever contravenes any of the provisions of this Act, if no other penalty is elsewhere provided in this Act for such contravention, shall, on conviction, be punishable with fine which may extend to one hundred rupees. Penalty for offences for which no other penalty is provided for.

28. The Mysore Motor Vehicles and Road Traffic Act, 1944, (Mysore Act XXVII of 1944) in so far as it relates to the taxation of motor vehicles and tolls is hereby repealed. Repeal and savings.

Provided that—

(a) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the aforesaid Act or rules or orders thereunder;

(b) any appointment, notification, notice, order, licence, permission, rule, form, tax or toll, made, issued, given or levied, and toll bars established and any legal proceedings instituted under the aforesaid Act or rules or orders thereunder, shall continue in force and be deemed to have been respectively made, issued, given or levied and instituted under this Act until superseded by or under the provisions of this Act.

THE FIRST SCHEDULE.

PART A.

THE VEHICLE TAX.

(Section 3).

<i>Class of vehicles.</i>	<i>Annual tax.</i>		
	Rs. a. p.		
1. Motor cycles—			
(a) Solo	...	...	22 8 0
(b) With side cars or triocycles	...	...	28 8 0
2. Invalid carriages	...	...	22 8 0
3. Motor cars, constructed or adapted to carry in all not more than seven persons including the driver—			
(a) weighing not more than 15 cwts. unladen	...	...	45 0 0
(b) weighing more than 15 cwts. unladen	...	...	84 0 0
4. (a) Motor cars constructed or adapted to carry eight persons or more including the driver	...	...	90 0 0
(b) For heavy motor cars, i.e., motor cars exceeding two tons in weight, unladen	...	...	150 0 0
5. Goods-vehicles used solely for purposes of agriculture.			90 0 0

Privileges and exemptions—

The vehicle shall be exempted from all municipal tolls.

PART B.

THE ROAD TAX.

(Section 3).

Class of vehicles	Quarterly tax	
	Vehicles fitted with pneumatic tyres on all wheels.	Other vehicles
	Rs. a. p.	Rs. a. p.
1. Goods vehicles without trailers—		
(a) not exceeding 15 cwts. in weight, laden.	34 0 0	51 0 0
(b) exceeding 15 cwts. but not exceeding 25 cwts. in weight, laden.	56 0 0	79 0 0
(c) exceeding 25 cwts. but not exceeding 30 cwts. in weight, laden.	79 0 0	101 0 0
(d) exceeding 30 cwts. but not exceeding 35 cwts. in weight, laden.	101 0 0	129 0 0
(e) exceeding 35 cwts. but not exceeding 50 cwts. in weight, laden.	127 0 0	169 0 0
(f) exceeding 50 cwts. but not exceeding 70 cwts. in weight, laden.	169 0 0	208 0 0
(g) exceeding 70 cwts. but not exceeding 100 cwts. in weight, laden.	197 0 0	254 0 0
(h) exceeding 100 cwts. but not exceeding 120 cwts. in weight, laden.	225 0 0	300 0 0
(i) exceeding 120 cwts. but not exceeding 150 cwts. in weight, laden.	250 0 0	350 0 0
(j) exceeding 150 cwts. but not exceeding 180 cwts. in weight, laden.	275 0 0	400 0 0
(k) exceeding 180 cwts. in weight, laden.	300 0 0	450 0 0
2. Additional tax payable in respect of the vehicles specified in paragraph 1 when used for drawing trailers.—		
(i) for each trailer not exceeding one ton in weight, laden.	67 8 0	96 0 0
(ii) for each trailer exceeding one ton in weight, laden.	140 0 0	169 0 0

Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.

3. Goods vehicles used for the carriage or haulage of goods and passengers.

(a) A tax as on a goods vehicle under items 1 and 2 above, having a weight which bears to the laden weight of the vehicle the same proportion as the floor area set apart for the carriage of goods, bears to the total floor area of the vehicle, together with,

(b) a service tax calculated at the rate specified in Part C of this Schedule for every passenger which the vehicle is licensed to carry, and

(c) a mileage cess as on stage carriages under Part D of this Schedule.

Explanation.—The expression "Goods" in item 3 above does not include light personal effects of passengers.

Provisos.—

1. (a) Goods vehicles shall be exempted from tolls other than those levied by a municipal council in the area in which they have the permit.

(b) While working outside the said area on special permits, they shall be liable to both Government and municipal tolls.

(c) Such vehicle shall be exempt from all municipal tolls either of the municipal council within the limits of which the owner resides, or of that in the limits of which he carries on the business in respect of which the vehicle is used, at his option which shall be exercised at the time of the payment of the tax.

Such vehicle when kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such vehicle shall be free from tolls at the municipality elected and declared by the owner at the time of the payment of the tax, provided that the declaration made shall not be subject to variation during the year.

2. Goods vehicles shall be exempt from tolls other than those levied by a municipal council in the area in which they have the permit, provided that, on roads which the Government may, by notification, declare as competing with the Railways in respect of traffic, they may be subjected to the payment of tolls.

3. The provisos to Part C and D of this Schedule shall also be applicable to the cases of vehicles under item 3.

4. In provisos (1) and (2) the expressions "municipal council" and "municipality" include respectively Corporation of the City of Bangalore and the area within the jurisdiction of the said Corporation.

SERVICE TAX.

(Section 3.)

Classes of vehicles	Quarterly tax					
	Vehicles fitted with pneumatic tyres on all wheels			Other vehicles		
	Rs.	a.	p.	Rs.	a.	p.
1. Motor cabs and other contract carriages other than those specified in paragraph 3—						
(a) licensed to carry in all not more than two persons,	15	0	0	22	8	0
(b) licensed to carry three persons ...	22	8	0	33	12	0
(c) licensed to carry four persons ...	60	0	0	90	0	0
(d) licensed to carry more than four persons, for every person whom the vehicle is so licensed to carry.	15	0	0	22	8	0
2. Stage carriages for every person, whom the vehicle is licensed to carry—						
(a) plying on routes within the limits of the City of Bangalore, Mysore City, Kolar Gold Field Sanitary Board, and Shimoga Town.	10	0	0	15	0	0
(b) plying on other routes ...	7	8	0	11	4	0
3. Motor cabs and other contract carriages used for hire for a strictly limited purpose.	75	0	0	112	8	0

Provisos—

1. In the case of motor cabs one seat for the driver, and in the case of other contract carriages having a seating capacity of more than six passengers and stage carriages two seats, one for the driver and one for the conductor, shall not be taken into account for purposes of calculating the tax.

2. A motor vehicle is said to be used for hire for a strictly limited purpose when it satisfies the following conditions :—

(a) The vehicle is owned by a public institution like a hotel or school.

(b) It is used exclusively for the business of such institution, that is to say, for the conveyance of its members, clients or workmen,

(c) It is used within the limits of the municipality in which it is kept.

(d) It is not available for hire by the general public.

3. Motor cabs, other contract carriages and stage carriages paying service tax shall be exempt from municipal tolls either of the municipal council within the limits of which the owner resides, or of that in the limits of which he carries on business in respect of which the vehicle is used, at his option, which shall be exercised at the time of the payment of the tax.

A motor cab, other contract carriage or stage carriage when kept outside the limits of any municipality shall be free from the tolls of the municipality nearest the place of residence of the owner or his principal place of business, as the case may be, provided that such municipality is within a radius of five miles from such place. If the place is equidistant from two municipalities, such vehicle shall be free from tolls at the municipality elected and declared by the owner at the time of payment of the tax, provided that the declaration made shall not be subject to variation during the year.

4. In provisos 2 and 3 the expressions "Municipal Council" and "Municipality" include respectively the Corporation of the City of Bangalore and the area within the jurisdiction of the said Corporation.

PART D.

MILEAGE CESS.

(Section 3.)

<i>Class of vehicles.</i>	<i>Rate of Tax.</i>
1. Stage carriages.—	
(a) when plying on State Fund Roads— cement concreted or tarred—on ordinary permits as part of regular service.	One anna per mile.
(b) when plying on State Fund Roads other than cement concreted or tarred roads, on ordinary permits as part of regular service.	Eight pies per mile.
(c) when plying on roads other than those specified in (a) and (b) above on ordinary permits as part of regular service.	Seven pies per mile.
(d) when plying on any of the roads specified in (a), (b) and (c) above on special permits.	One and a half times the rates fixed in I (a), (b) and (c) above, as the case may be.
2. Contract carriages— With seating capacity for more than six persons.	Do

Provisos—

1. Stage and contract carriages, paying the mileage cess are exempt from all tolls levied either by the Government or a municipal council or the Corporation of the City of Bangalore, except those levied at toll bars established on any road or bridge specified in the Fourth Schedule or a road or bridge constructed after the 1st of January, 1936, for the recovery of the amount expended on such road or bridge.

2. Stage carriages plying solely within the limits of the corporation of the City of Bangalore, or the Kolar Gold Field Sanitary Board or within the municipal area of Shimoga Town, or of the Mysore City Municipality are exempt from payment of the mileage cess specified in Part D of the First Schedule.

3. Stage carriages plying for hire between Kuppam and Palamnair on the Kuppam-Palamnair road are exempt from payment of mileage cess. The service tax payable by the said stage carriages is also reduced to annas twelve per seat per quarter, subject a minimum of rupees fifteen per vehicle per quarter.

PART E.

VEHICLE TAX.

[Sections 3 and 4—sub-section (4)]

Class of vehicles	For periods not exceeding seven days at a time	For periods exceeding seven days but not exceeding thirty days at a time
1. Motor cycles—	Rs. a. p.	Rs. a. p.
(a) Solo ...	1 14 0	5 10 0
(b) With side car or tricycles ...	2 10 0	7 8 0
2. Invalid carriages ...	1 14 0	5 10 0
3. Motor cars constructed or adapted to carry in all not more than seven persons including the driver—		
(a) weighing not more than 15 cwts., unladen ...	4 8 0	13 2 0
(b) weighing more than 15 cwts., unladen ...	6 6 0	18 12 0
4. Motor cars constructed or adapted to carry eight persons or more including the driver ...	15 0 0	45 0 0

ROAD TAX.

Class of vehicles	For periods not exceeding seven days at a time	For periods exceeding seven days, but not exceeding thirty days at a time
GOODS VEHICLES.	Rs. a. p.	Rs. a. p.
(a) not exceeding 15 cwts. in weight, laden.	6 12 0	13 8 0
(b) exceeding 15 cwts. but not exceeding 30 cwts. in weight, laden.	15 12 0	31 8 0
(c) exceeding 30 cwts. but not exceeding 50 cwts. in weight, laden.	25 4 0	50 8 0
(d) exceeding 50 cwts. in weight, laden.	56 4 0	112 8 0

SERVICE TAX.

Class of Vehicles	For periods not exceeding seven days at a time.	For periods exceeding seven days but not exceeding thirty days at a time
	Rs. a. p.	Rs. a. p.
Motor cars, stage and contract carriages.—		
For every person the vehicle is licensed to carry.	1 8 0	3 0 0

MILEAGE CESS.

Stage and contract carriages with seating capacity for more than six persons. One and a half times the rates fixed in 1(a), (b) and (c) of Part D of this Schedule.

Provisos :—

(1) In all cases, vehicles not fitted with pneumatic tyres on all wheels shall be liable to one and half times the rate of tax prescribed above for the respective class of the vehicle.

(2) The vehicles liable to the vehicle tax, the road tax, the service tax and the mileage cess shall be subject to the privileges, conditions, exemptions and limitations specified in the parts relating to that tax.

THE SECOND SCHEDULE.

Rates of Tolls.

(Section 9.)

A. MOTOR VEHICLES.

	Rs.	a.	p.
1 On every motor cycle with or without side-car and invalid carriage.	0	4	0
2 On every motor car or motor cab constructed or adapted to carry not more than seven persons including the driver.	1	0	0
3 On every four-wheeled motor vehicle constructed or adapted to carry eight persons or more including the driver.	2	0	0
4 On every goods vehicle ...	3	0	0
5 On every four-wheeled vehicle propelled by steam or motor power other than those specified above.	3	0	0
6 On every four-wheeled vehicle of the categories mentioned in items 4 and 5 above, if laden with timber, and entering the State at a frontier toll-bar.	6	0	0

B. VEHICLES OTHER THAN MOTOR AND STEAM VEHICLES.

	Rs.	a.	p.
1 On every four-wheeled carriage ...	0	8	0
2 On every two-wheeled carriage on springs, other than a jutka or ekka.	0	4	0
3 On every ekka or jutka, laden...	0	2	0
4 On every ekka or jutka, unladen	0	1	0
5 On every other vehicle on springs excluding a tricycle and a bicycle.	0	2	0
6 On every cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if laden.	1	0	0
7 On every cart or other vehicle drawn by eight bullocks, buffaloes, horses, ponies, asses or mules, if not laden.	0	8	0
8 On every cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if laden.	0	8	0
9 On every cart or other vehicle drawn by six bullocks, buffaloes, horses, ponies, asses or mules, if not laden.	0	4	0
10 On every cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden.	0	6	0

	Rs.	a.	p.
11 On every cart or other vehicle drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if not laden.	0	3	0
12 On every cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden.	0	4	0
13 On every cart or other vehicle drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if not laden.	0	2	0
14 On every cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden.	0	2	0
15 On every cart or other vehicle drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden.	0	1	0
16 On every cart or other vehicle, if laden with timber and entering the State at a frontier toll bar.	3	0	0

C. ANIMALS, PALANQUINS, ETC.

1 On every buffalo or bullock per head, if laden	...	0	1	0
2 On every buffalo or bullock per head, if not laden	...	0	0	6
3 On every elephant	...	1	0	0
4 On every camel, if laden	...	0	4	0
5 On every camel, if not laden	...	0	2	0
6 On every horse, if laden or ridden	...	0	1	6
7 On every horse, if unladen or not ridden	...	0	0	9
8 On every thattu or mule, if laden or ridden	...	0	0	9
9 On every thattu or mule, if unladen or led	...	0	0	6
10 On every ass, if laden or ridden	...	0	0	6
11 On every Palanquin, dooly, palna or tonjon with two bearers or rickshaw.	...	0	2	0
12 On every palanquin, dooly, palna or tonjon with more than two bearers.	...	0	4	0

Provisos—

1. Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12 and 14 of B, if laden and entering the State at a frontier toll bar.

2. Double the rate of tolls prescribed above may be levied in the case of carts referred to in items 6, 8, 10, 12, and 14 of B, when such carts are laden with timber.

3. The Government may prescribe lower rates of tolls than those prescribed in this Schedule on carts fitted with tyres over 2½ inches in width or with pneumatic tyres.

THE THIRD SCHEDULE.

PART A.

(Section 15.)

RATE OF FEE FOR COMPOSITION OF TOLLS ON
MOTOR VEHICLES.

Class of vehicles	Fees per quarter	
	For vehicles fitted with pneumatic tyres on all wheels	For other vehicles
1. MOTOR CYCLES AND INVALID CARRIAGES.	Rs. a. p.	Rs. a. p.
(a) Motor cycles with two wheels ...	7 8 0	10 0 0
(b) Motor cycles if used for drawing a trailer or side-car.	10 0 0	12 0 0
(c) Motor cycles with three wheels ...	10 0 0	12 8 0
(d) Invalid carriages ...	7 8 0	10 0 0
2. MOTOR CARS AND MOTOR CABS.		
(a) Weighing not more than 15 cwts. unladen.	17 8 0	25 0 0
(b) Weighing more than 15 cwts. but not more than 30 cwts. unladen.	25 0 0	37 8 0
(c) Weighing more than 30 cwts. but not more than 45 cwts. unladen.	32 8 0	50 0 0
(d) Weighing more than 45 cwts. but not more than 60 cwts. unladen.	40 0 0	60 0 0
(e) Weighing more than 60 cwts. unladen.	50 0 0	75 0 0
(f) Additional fee payable in respect of such vehicles when used for drawing trailers :—		
(i) For each trailer not exceeding one ton in weight, unladen.	10 0 0	15 0 0
(ii) For each trailer exceeding one ton in weight, unladen.	20 0 0	30 0 0

Provided that two or more vehicles shall not be chargeable under this class in respect of the same trailer.

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PART B.

(Section 16.)

RATE OF FEE FOR COMPOSITION IN RESPECT OF
A SINGLE TOLL BAR FOR CERTAIN VEHICLES.

Class of vehicle	Amount of annual fee		
	Rs.	a.	p.
(a) Motor cycles and invalid carriages ...	15	0	0
(b) Motor cars weighing not more than 30 cwts. in weight, unladen and not constructed or adapted to carry more than seven persons including the driver.	30	0	0
(c) Stage carriages ...	200	0	0
(d) Carts drawn by a single bullock or two bullocks.	7	8	0

THE FOURTH SCHEDULE.

(Section 15.)

ROADS AND BRIDGES.

- (i) The road and bridge over ... the Cauvery at T.-Narsipur.
(ii) Do ... the Cauvery at Krishnarajasagara
(iii) Do ... the Hemavati at Akkihebbal.
(iv) Do ... the Hemavati at Gorur.
(v) Do ... the Thunga at Thirthahalli.
(vi) Do ... the Karagally in the Jog area.
(vii) Do ... the Cauvery at Ramanathpur.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*



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[No. 15

PART IV

Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL
ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. C. 1707—Co. 6-50-4, dated Bangalore, the 28th March 1951.

Ordered that the following notifications issued by the Government of India, Ministry of Commerce and Industry, be republished in the *Mysore Gazette*, for general information.

(Cotton Textiles Control Order, 1948).

1. Notifications No. 80 Tex. 1/48, dated 2nd August 1948,
2. Do No. 9 (9) Tex. 1/49, dated 21st October 1950,
- and 3. Do No. 9 (9) Tex. 1/49, dated 11th August 1950.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture Departments.

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GOVERNMENT OF INDIA.

MINISTRY OF INDUSTRY AND SUPPLY.

New Delhi, the 2nd August 1948.

No. 80-Tex. 1/48.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to make the following Order, namely:—

1. (i) This Order may be called the Cotton Textiles (Control) Order, 1948.
- (ii) It extends to all the Provinces of India.
- (iii) It shall come into force at once.

2. The Cotton Textiles (Control) Order, 1948 (Notification No. 80-Tex. 1/48, dated the 19th February 1948) is hereby repealed provided that any order made, notification issued, right accrued, penalty incurred, or anything done or deemed to have been done under the said Order shall be deemed to have been made, issued, accrued, incurred or done under the corresponding provisions of this Order.

3. In this Order, unless there is anything repugnant in the subject or context,—

(a) "Cloth." and "Yarn." mean respectively any type of cloth or yarn manufactured either wholly from cotton or partly from cotton and partly from any other material, but "cloth does not include—

- (i) ready-made clothing other than dhoties and sarees ;
- (ii) hosiery including hosiery knitted tubular fabric which has only a running thread knitted through the entire fabric ;
- (iii) Leather cloth:—inferior or imitation leather cloth ordinarily used in book-binding and book-binding cloth ;
- (iv) tracing paper ;
- (v) cloth manufactured partly from cotton and partly from wool and containing 40 per cent or more of wool by weight ;
- (vi) rubberised or synthetic water-proof fabrics whether single-textured or double-textured ;

(b) "Controller" means the principal officer appointed by a Provincial Government for the administration of the Textile Control and includes any other officer appointed by such Government to perform the functions of the Controller under this order or under the rules, orders and notifications issued thereunder ;

(c) "dealer" means a person carrying on the business of selling cloth or yarn or both, whether wholesale or retail and whether or not in conjunction with any other business and shall include master weavers of handloom cloth ;

(d) "manufacturer" includes a producer or processor, and the expression 'manufactured' and its grammatical variants shall be construed accordingly ;

(e) the expression 'offer to sell' shall be deemed to include a reference to an intimation by a person of the price proposed by him for the sale of an article, made by the publication of a price list by exposing the article for sale in association with or bearing a mark indicating price by the furnishing of a quotation or otherwise howsoever ;

(f) an article shall be deemed to be in the possession of a person when it is held on behalf of that person by another person or when held by that person on behalf of another person ;

(g) "processor" means a person engaged exclusively in any process ancillary to the production of cloth or yarn such as dyeing, bleaching, embroidering, printing and finishing; and the expression 'process' and its grammatical variants shall be construed accordingly;

(h) "producer" means a person engaged in the production of cloth or yarn or both by power as defined in section 2 (f) of the Factories Act, 1934 and the expression 'produce' and its grammatical variants shall be construed accordingly;

(i) "schedule article" means an article specified in schedule A, and includes any other article declared by the Central Government to be scheduled article for the purposes of this order;

(j) "starch" means starch made from wheat, rice, maize, jowar or any other foodgrain or from tapioca or potatoes and includes derivatives of starch and any modified form of starch so made;

(k) "Textile Commissioner" means the Textile Commissioner appointed by the Central Government and includes such Additional or Joint Textile Commissioners as may be appointed by the Central Government.

Raw Materials and Stores.

4. No person shall manufacture starch other than starch made from tapioca except under and in accordance with the terms of a licence granted by the Textile Commissioner.

5. (1) Every importer of a scheduled article shall, within 15 days of the date of the arrival of the consignment containing such article, furnish to the Textile Commissioner the following information in respect of the consignment—

(a) description and quantity of each of the articles included in the consignment;

(b) the landed cost of each item together with invoices and all other documents evidencing the price, buying commission, insurance premium, freight, customs duty, landing and clearing charges paid up to the deposit of the consignment in the consignee's warehouse or other place of storage.

(2) No importer shall sell or otherwise dispose of any such scheduled article, imported by him except in accordance with the instructions given to him by the Textile Commissioner: provided that if the importer does not receive any such instructions from the Textile Commissioner within 30 days of the receipt by the Textile Commissioner of the information submitted under sub-clause (1), the importer may subject to the provisions of clauses 6, 8 and 30 dispose of the consignment.

6. No person shall sell or dispose of any scheduled article except under and in accordance with—

(a) a seller's licence granted to him by the Textile Commissioner;

(b) a direction given to him by the Textile Commissioner under clause 8.

7. No person shall purchase or otherwise acquire any scheduled article except under and in accordance with a buyer's licence granted by the Textile Commissioner.

8. The Textile Commissioner may by order in writing require any importer of or dealer in any scheduled article to sell to such person as may be specified in the Order such quantities of the scheduled article and in the case of a scheduled article

of which the maximum prices have not been fixed under clause 9 at such price, as may be specified in the Order.

9. (1) The Textile Commissioner may by notification in the *Gazette of India* fix the maximum prices or rate at which any scheduled article may be sold ;

(2) No person shall sell or offer to sell a scheduled article at a price exceeding maximum price specified under sub-clause (1).

10. (1) The Textile Commissioner may direct any person carrying on the business of producing or selling any scheduled article to mark such articles exposed or intended for sale with the sale price thereof, or to exhibit in his premises a price list of articles held by him for sale ; and may further give directions as to the manner in which such directions shall be carried out.

(2) The Textile Commissioner may by order published in the *Gazette of India* issued a direction of the nature specified in sub-clause (1) generally to all persons carrying on the business of producing or selling any scheduled article or to any person or any class of such persons.

11. (1) Applications for licences under this Order shall be made in such form as the Textile Commissioner may prescribe ;

(2) The Textile Commissioner may, without assigning any reason, refuse to grant a licence to any person and his decision shall be final ;

(3) The Textile Commissioner may specify in the licence the conditions, if any, under which it is issued and the licensee shall comply with such conditions ;

(4) The fees for the grant of a licence shall be such as the Textile Commissioner may, by notification in the official Gazette prescribe ;

(5) Subject to the provisions of sub-clause (6) the licence shall be valid for the period specified therein and may be renewed ;

(6) If the holder of a licence has supplied incorrect information in his application or in any return submitted by him or if he contravenes any condition of the licence, or if at any time the Textile Commissioner is satisfied that for any other reason the licensee is not a fit person to hold the licence, the Textile Commissioner may in his discretion and without prejudice to any other action which may be taken against the licensee, cancel or suspend his licence, and the order of the Textile Commissioner shall be final.

Cloth and Yarn.

12. (1) No producer who has a spinning plant shall in any quarter—

(a) purchase a quantity of yarn exceeding $\frac{1}{4}$ of the quantity of yarn purchased by him in the year 1944 ;

(b) sell a quantity of yarn less than $\frac{1}{4}$ of the quantity of yarn sold by him in the year 1944 ;

(2) No producer who has no weaving plant shall install or cause or permit to be installed any loom in his undertaking.

(3) No person shall acquire or install any loom to be worked by power as defined in section 2 (f) of the Factories Act, 1934.

(4) Any person having in his possession any loom which he is not entitled to work or cause or permit to be worked in accordance with this clause shall forthwith report the fact to the Controller and shall take such action as to its sealing or storage as the Controller may direct.

13. No person shall manufacture or cause to be manufactured any cloth containing any sizing or filling material or both of any descriptions exceeding in the aggregate—

(i) in the case of cloth wherein the count of warp yarn employed is 14s or coarser, 15 per cent of the weight of the cotton in the cloth;

(ii) in other cases, 10 per cent of the weight of the cotton in the cloth.

14. No person shall use wheat flour or glucose for the purpose of sizing or filling cloth.

15. No person shall sell or otherwise dispose of or purchase or otherwise acquire for the purpose of sale any cloth which has been manufactured in contravention of clause 13 or clause 14.

16. (1) For the purpose of Clauses 13 to 15 the proportion of sizing or filling material or both relative to the weight of the cotton in any finished cloth shall be determined by such test carried out by such person and in such manner as the Textile Commissioner may, by notification prescribe.

(2) A certificate signed by an officer authorised to carry out tests in pursuance of sub-clause (1) stating the result of the test shall be conclusive proof that the test has been duly carried out in the manner prescribed and that the result thereof is as stated in the certificate.

17. * * *

18. * * *

19. No producer shall produce any cloth with a border whether plain, dobby or jacquard containing folded yarn in excess of what is required for a 2" border.

20. The Textile Commissioner may from time to time issue directions in writing to any producer or class of producers or the producers generally, regarding the classes or specifications of cloth or yarn, and the maximum or the minimum quantities thereof, which they shall or shall not produce during such periods as may be specified in the directions, and they shall comply with such directions.

20A. No producer other than a producer who has no spinning plant shall produce any article of clothing or any other article from cloth.

20B. (i) No producer shall employ any spindle in his undertaking except for the spinning of yarn;

(ii) No producer having a spinning plant shall employ any loom in his undertaking except for the weaving of cloth.

(iii) No producer shall produce any yarn from a mixture of Indian cotton with foreign cotton.

Explanation.—'Indian cotton' and 'Foreign cotton' respectively shall have the meanings assigned to them under the Cotton Control Order, 1949; but 'Foreign cotton' for the purposes of sub-clause (iii) does not include cotton grown in Pakistan.

20C. No producer having a spinning plant shall undertake or carry out—

- (a) any processing of any cloth or yarn not produced by him;
- (b) the spinning of yarn out of cotton or cotton waste not owned by him.

21. (1) No manufacturer of cloth shall pack cloth except in bales containing not less than 1,450 yards and not more than 1,550 yards.

(2) No manufacturer of yarn shall pack yarn except in bales or packages containing not less than 380 lbs. and not more than 420 lbs.

(3) No manufacturer of cloth or yarn shall pack during any month a quantity of cloth or yarn less than—

(i) Eighty per cent of the total quantity of cloth or yarn respectively produced by him during the preceding month or

(ii) One-sixteenth of the total quantity of cloth or yarn respectively packed by him during the year 1948 whichever is lower.

(4) The Textile Commissioner, subject to sub-clauses (1) and (2) by a general or special order, prescribe the manner in which any manufacturer shall pack cloth or yarn in bales or packages.

(5) No producer shall pack any cloth or yarn for export unless the same is covered by a contract of sale against a valid export licence.

22. (1) The Textile Commissioner may specify—

(a) the maximum prices ex-factory, wholesale and retail at which any class or specification of cloth or yarn may be sold;

(b) the markings to be made by a manufacturer or dealer on any class or specification of cloth or yarn manufactured or sold by him and the time and manner of making such markings.

(2) Notwithstanding anything contained in sub-clause (1) above the Provincial Government or an officer authorised by the Provincial Government in this behalf may fix—

(a) the ex-factory maximum price for the purpose of the special markings under clause 26 in respect of any type of cloth for which such price has not been specified by the Textile Commissioner under the said sub-clause;

(b) the maximum ex-factory, wholesale and retail at which any cloth produced by a manufacturer or other person referred to in the explanation to sub-clause (2) of clause 23 may be sold and may further specify the markings to be made on such cloth and the time and manner of making them;

(3) A Court shall presume unless the contrary is proved that the markings made on any cloth or yarn in the manner specified under this clause are made in accordance with this Order and that the prices so marked are the maximum prices specified under this clause.

23. (1) Where the marking to be made and the time and manner of making it in respect of any class or specification of cloth or yarn have been specified under clause 22.

(a) the manufacturer of, or, as the case may be, the dealer in such cloth or yarn shall cause the marking to be made thereon at the time and in the manner specified;

(b) no person other than such manufacturer or dealer shall cause the marking to be made on any such cloth or yarn;

(c) no person other than the manufacturer shall have in his possession or under his control any cloth or yarn which is not so marked, unless it be for *bona fide* personal requirements ;

(d) no person shall alter or deface or cause or permit to be altered or defaced any marking made on any such cloth or yarn held by him otherwise than for his *bona fide* personal requirements ;

(e) no person shall make on any cloth or yarn any marking resembling the prescribed marking ;

(f) no person shall have in his possession or under his control otherwise than for this *bona fide* personal requirements any cloth or yarn the marking whereon is altered or defaced or is of a character specified in paragraph (e).

(2) No manufacturer shall sell or deliver---

(i) any cloth or yarn of which the maximum ex-factory price has not been specified by the Textile Commissioner under clause 22 ; and

(ii) any cloth unless he has previously sent to the Textile Commissioner a sample of such cloth of the dimensions of 6 " X 6 " together with true and accurate information, in the forms prescribed for this purpose by the Textile Commissioner, about the manufacturing particulars thereof and the manner in which its price has been calculated.

Explanation :—Nothing in this sub-clause applies to a manufacturer who does not manufacture any yarn or to a processor other than a processor of cloth or yarn produced by a producer having a spinning plant or to a person engaged in the production of handloom cloth.

(3) No person shall in the manufacture of cloth use yarn (other than handspun yarn) the maximum ex-factory price of which has not been specified by the Textile Commissioner under clause 22.

24. (1) No manufacturer or dealer shall sell or offer to sell any cloth or yarn at a price higher than the maximum price specified in this behalf under clause 22.

(2) Every sale of cloth or yarn by a dealer except to a consumer shall be at a price either F. O. R. station of despatch or ex-godown of storage at the buyer's option. Provided that the commission of a commission agent shall be paid by the buyer.

(3) No person acting as a commission agent in respect of a sale of cloth or yarn to which sub-clause (2) applies shall receive a commission which exceeds $\frac{1}{2}$ per cent of the maximum price of the cloth or yarn the subject matter of such sale.

(4) The Textile Commissioner may by Notification in the Official Gazette provide for the giving of a cash memorandum by any manufacturer or dealer in respect of any sale transaction and for the particulars to be contained in any such cash memorandum.

(5) No manufacturer or dealer shall, without sufficient cause, refuse to sell cloth or yarn to any person.

Explanation :—The possibility or expectation of obtaining a higher price at later date shall not be deemed to be a sufficient cause for the purposes of this clause.

25. (1) Notwithstanding anything contained in sub-clause (2), no manufacturer or dealer shall, after the 30th November 1948, buy or sell or have in his possession any cloth or yarn manufactured in India and packed before the 1st August 1948.

(2) No manufacturer or dealer shall buy or sell or have in his possession any cloth or yarn after the expiration of twelve months from the last day of the

month marked on the cloth or yarn in accordance with a direction given under clause 22 and no person shall buy or sell or have in his possession any such cloth or yarn in unopened bales or cases after the expiration from the said date of a period of three months in the case of a manufacturer and a period of six months in any other case.

(3) For the purposes of this clause —

(i) a bale or case shall be deemed to be unopened if the hoops or other bindings and all outer coverings have not been removed;

(ii) cloth or yarn of Indian manufacture not bearing any markings in accordance with the directions under clause 22 shall, unless the contrary is proved, be deemed to have been manufactured and packed before the 1st August 1948.

(4) Nothing in this clause shall apply to handloom cloth.

26. Notwithstanding anything contained in sub-clauses (1) and (2) of clause 25, any cloth or yarn not disposed of within the period specified may be kept and sold by a dealer subject to the conditions notified in this behalf by the Textile Commissioner prescribing the special markings to be made on such cloth or yarn, the agency by which the marking shall be made and the fee payable for such marking:

Provided that no such cloth or yarn shall be kept undisposed of by any dealer, or any person holding on behalf of a dealer for more than six months after the date of such marking.

27. Wherein in pursuance of clause 22 (1) (b) or clause 26, any piece of cloth is required to be marked at one end with the ex-factory price or with the price at which it is to be sold retail, and the piece is not sold as a whole, that portion of the piece containing the price marking shall be sold last by the dealer.

28. (1) No producer shall, at any time, have in his possession—

(a) a quantity of unpacked cloth exceeding the total quantity of cloth produced by him during the preceding two months;

(b) a quantity of yarn exceeding—

(i) in the case of a person engaged in the production of yarn alone, the quantity of yarn produced by him during the preceding two months;

(ii) in the case of a person engaged in the production of cloth alone, the quantity of yarn reasonably required by him for producing cloth during the next two months; and

(iii) in the case of a person engaged in the production of cloth and yarn the sum total of the quantity of yarn reasonably required by him for the production of cloth during the next two months and the quantity equal to the yarn produced by him during the preceding two months over and above his own requirements during that period.

Explanation.—For the purposes of this sub-clause cloth on looms and yarn in the course of manufacture into cloth shall be excluded in computing the stocks in possession of a producer.

(2) No person engaged in manufacturing from cloth or yarn articles of clothing or other articles such as ropes, tapes, newar, bandages or canvas shall at any time have in his possession stocks of cloth or yarn in excess of the quantity of cloth or yarn used by him during the preceding two months in such manufacture.

(3) No dealer or processor shall at any time have in his possession stocks of cloth exceeding the total quantity of cloth sold by him during the preceding six months or exceeding such quantity as is fixed in this respect by a special order by

the Textile Commissioner or by the Provincial Government or any Officer authorised by the Provincial Government in this behalf.

(4) No person shall at any time for his own needs and the needs of his family have in his possession a quantity of cloth exceeding the quantity calculated at the rate of 50 yards for every person above the age of 6 and 30 yards for every person who has not completed that age.

(5) Nothing in sub-clauses (2) and (3) applies to the possession by any person carrying on the business of banking of cloth or yarn pledged with him by a dealer or a manufacturer.

(6) For the purposes of sub-clause (2) any yarn agreed to be sold to a dealer by a manufacturer and of which delivery has not been taken by the due date shall be deemed to be in the possession of the dealer and not the manufacturer.

29. (1) Any person having in his possession cloth or yarn in excess of the quantity permitted under clause 28 shall forthwith report the fact, in the case of a manufacturer to the Textile Commissioner and in other cases to the Controller,

(2) Any manufacturer or dealer in possession of cloth or yarn in respect of which the period for disposal prescribed under clause 25 or under the proviso to clause 26 is about to expire may report the fact to the Textile Commissioner, or the Controller, respectively.

(3) Any person making a report under sub-clause (1) or sub-clause (2) shall take such action as to the storage, distribution or disposal of the cloth or yarn as the Textile Commissioner or the Controller may direct.

ADDITIONAL POWERS OF THE TEXTILE COMMISSIONER.

30. The Textile Commissioner may, with a view to securing a proper distribution of cloth or yarn or with a view to securing compliance with this order, direct any manufacturer or dealer, or any class of manufacturers or dealers.—

(a) to sell to such person or persons such quantities of cloth or yarn as the Textile Commissioner may specify;

(b) not to sell or deliver cloth or yarn of a specified description except to such person or persons and subject to such conditions as the Textile Commissioner may specify; and

may issue such further instruction as he thinks fit regarding the manner in which the direction is to be carried out.

31. The Textile Commissioner may, with a view to securing compliance with this order.—

(a) require any person to give such information in his possession with respect to any business carried on by that or any other person;

(b) inspect or cause to be inspected any books or other documents belonging to or under the control of any person;

(c) enter and search, or authorise any person to enter and search, any premises and seize or authorise any person to seize any article in respect of which he has reason to believe that a contravention of this order has been committed and any other article in the premises which he has reason to believe has been or is intended to be used in connection with such contravention.

32. (1) The Textile Commissioner may, by an order, in writing direct any person who carried on the business of producing or selling a scheduled article.—

(a) to maintain such records of his purchases, sales, contracts, or other matters connected with his undertaking or business and in such form and manner as may be specified in the order;

(b) to submit to such authority returns or statements in such forms and containing such information relating to his undertaking or business and at such times as may be specified in the order.

(2) The Textile Commissioner may by general order published in the *Gazette of India* issue a direction of the nature specified in sub-clause (1) generally to any class of persons referred to therein.

33. (1) The Textile Commissioner may by a general or special permit exclude from or modify or relax to such extent as may be specified by him, the operation of any such provision in respect of any person, act or thing in any class of persons acts or things.

(2) The Textile Commissioner may in any such permit impose conditions imitations and restrictions subject to which such permit shall have effect.

(3) Notwithstanding anything contained in this order, the provisions of the clauses specified in Schedule C shall have effect subject to the powers of the Textile Commissioner under sub-clauses (1) and (2) to withdraw, modify, or relax any or all of the restrictions enacted in those provisions.

34. The Textile Commissioner may by a general or special order in writing and with the previous sanction of the Central Government authorise any officer to exercise on his behalf all or any of his functions and powers under this order.

PROCEDURE AND PENALTY.

35. No person shall, with intent to evade the provisions of this order, refuse to give any information lawfully demanded from him under clause 31 or clause 32, or conceal, destroy, mutilate, or deface any book or other document kept by him in the course of his business.

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37. Any court trying a contravention of any of the provisions of this order may direct that any article or articles in respect of which it is satisfied that the order has been contravened shall be forfeited to His Majesty.

SCHEDULE 'A'

Cotton Card Clothing and Card Clothing Sundries for Flat Cards:—

- | | |
|--------------------------|---|
| 1. Cylinder Fillet. | 10. Philliprons Top Clearer Strips. |
| 2. Doffer Fillet. | 11. Ashworths Top Clearer Strips. |
| 3. Sets of Top. | 12. Ashworths Dirt Roller Fillet. |
| 4. Stripping Fillet. | 13. Rhodes Stripping Fillet. |
| 5. Burnishing Fillet. | 14. Lickerin Wire. |
| 6. Hand Stripping Cards. | 15. Blued Steel Wire for Roving Waste opener. |
| 7. Waltons Bruses | 16. Card Tasks. |
| 8. Spiral Strips. | 17. Raising Fillet. |
| 9. Philipsons Sheets. | |

For Waste and Wedding Cards:—

- | | |
|---------------------------|---|
| 18. Cylinder Fillet. | 24. Fancy Stripper Fillet. |
| 19. Doffer Fillet. | 25. Humbug Fillet. |
| 20. Roller Fillet. | 26. Feed Roller Fillet. |
| 21. Clearer Fillet. | 27. Lockerin Fillet. |
| 22. Fancy Fillet. | 28. All other card Clothing and Sundries. |
| 23. Under Clearer Fillet. | |

II. BOBBINS FOR USE on Textile Machines other than Jute and Hemp:—

1. Slubbing Tubes.
2. Roving Tubes.
3. Ring Rabbeth.
4. Ring Welt Pirns (including Universal and Wadia Pirns).
5. Ring Baubler Bobbins.
6. Warper Bobbins.
7. Paper Tubes and Cones.

III. Shuttles for use in Textile Looms other than Jute and Hemp.

1. Shuttles for Looms (Ordinary).
2. Shuttles for Looms (Automatic).

IV. Imported Tallow.

V. Dyes derived from Coal-tar.

VI. Hydrosulphite of Soda.

VII. Starch.

VIII. Ring Spinning frames and Mules for Mules for manufacture of Cotton yarn.

428 SCHEDULE 'C'

Clauses 4, 6, 7, 12, 13, 14, 15, 17, 18, 19, 21, 23, 25 and 28.

18th November 1950.

M. P. PAI,
Joint Secretary.

New Delhi, the 21st October 1950.

No. 9 (2)-Tax. 1—49. In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following further amendments shall be made in the Cotton Textiles (Control) Order, 1948.

In the said Order—

(a) for sub-clause (ii) of clause 1 the following sub-clause shall be substituted, namely :—

“(i) it extends to the whole of India except the State of Jammu and Kashmir.”

(b) for clause 2 the following clause shall be substituted, namely :—

“2. The Cotton Textiles (Control) Order, 1948 (Notification No. 80-Tex, 1—48, dated the 19th February 1948) and any order corresponding to that order in force in a part B State are hereby repealed.”

Provided that any order made, notification issued, right accrued, penalty incurred or anything done deemed to have been done under the orders so repealed shall be deemed to have been made, issued, accrued, incurred or done under the corresponding provisions of this Order.

2A. All Orders, notifications and directions issued or deemed to have been issued under this order, which, immediately before 21st October 1950 were in force only in certain parts of India, are hereby extended to and shall be in force in the whole of India except the State of Jammu and Kashmir.”

K. RAM,

Dy. Secy. to the Government of India.

GOVERNMENT OF INDIA.

MINISTRY OF INDUSTRY AND SUPPLY.

Bombay, the 2nd August 1948.

No. 80-Tex. 1—48 (ii). In exercise of the powers conferred on me by clause 34 of the Cotton Textiles (Control) Order, 1948 and with the sanction of the Central Government, I hereby authorise the principal officer appointed by each Provincial Government for the administration of the textile control to discharge on my behalf the function under clause 22(1) of the said order to specify in relation to sales made with in his jurisdiction by dealers the maximum wholesale and retail prices of cloth and yarn provided that where the maximum ex-factory price has been fixed by the Textile Commissioner under this order in respect of any cloth or yarn, the maximum retail price shall not exceed the amount of excise duty levied under the Central Excise and Salt Act, 1944 (I of 1944) and the amount of Sales Tax if any levied by any Provincial or State Government *plus* in the case of cloth 14 per cent and in the case of yarn 12½ per cent over such maximum ex-factory price.

27th December 1950.

T. P. Barat, Textile Commr.

NOTIFICATION.

No. C. 2--40-50-16, Dated Bangalore, 2nd April 1951.

Ordered that the accompanying notification No. PC-7 (1)—50, dated the 12th March 1951, of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950 (No. LXX of 1950) be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
*Secretary to Government,
 Food and Agriculture
 Departments.*

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 12th March 1951.

No. PC-7 (1)/50.—In exercise of the powers conferred by sections 4,7,9,10,13 and 19 of the Supply and Prices of Goods Act, 1950 (No. LXX 1950), and all other powers enabling it in this behalf, the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 503, dated the 2nd September 1950, namely:—

In sub-clause (ii) of clause (b) of the said notification for the words "Director-General of Industries and Supplies" the words "Deputy Development Officer (Chemicals, Drugs and Plastics)" shall be substituted:

ORDER.

Ordered that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir), all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India, Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

Ordered also that it be published in the *Gazette of India*.

P. S. SUNDARAM

Under Secretary to the Government of India.

NOTIFICATION.

No. C. 4—40-50-18, Dated Bangalore, 4th April 1951.

Ordered that the accompanying notification No. PC-17 (3)—50-2, dated the 15th March 1951, of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950, (LXX of 1950) be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
*Secretary to Government,
 Food and Agriculture
 Departments.*

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 15th March 1951.

No. PC-17 (3)/50-2.—In exercise of the powers conferred by section 10 of the Supply and Prices of Goods Act, 1950 (LXX of 1950) and in supersession of all previous notifications on the subject, the Central Government hereby directs that—

(a) every wholesale dealer in goods specified in the Schedule hereto annexed shall exhibit at some easily accessible place on the premises a price list of such goods held for sale: and

(b) every retail dealer in such goods shall mark such goods, exposed or intended for sale, with the retail sale price or where such marking of retail sale price is not practicable, exhibit a price list of such goods at some easily accessible place on the premises.

THE SCHEDULE.

1. Bicycles.
2. Bicycle tyres and tubes.
3. Electric bulbs.
4. Caustic soda.
5. Soda ash.
6. Tanning materials (wattle bark and wattle extract).
7. Infants' foods (Glaxo, Harlicks, Cow and Gate Milk and Ostermilk).

ORDER.

Ordered that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir), all Chief Commissioners of Part C States including Andaman and Nicobar Islands, all Ministries of the Government of India, Cabinet Secretariat, Prime Minister's Secretariat, Secretary to the President, the Indian, Trade Commissioners, all Indian Embassies, the High Commissioner for India, London, His Majesty's Trade Commissioner in India, all Chambers of Commerce and Associations, the Director-General of Commercial Intelligence and Statistics, Calcutta, the High Commissioner for India in Pakistan, Karachi, the High Commissioner for Pakistan in India, New Delhi, the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

Ordered also that it be published in the *Gazette of India*.

B. B. SAKSENA,
*Deputy Secretary to the
 Government of India*

NOTIFICATION.

No. C. 6—40/50-21, Dated Bangalore, 4th April 1951.

Ordered that the accompanying Notification No. PC. 7 (8)/50, dated the 21st March 1951, of the Government of India, Ministry of Commerce and Industry, under the Supply and Prices of Goods Act, 1950 (No. LXX of 1950) be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

*Secretary to Government,
Food and Agriculture
Departments.*

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 21st March 1951.

No. PC-7 (8)/50.—In exercise of the powers conferred by Section 4 of the Supply and Prices of Goods Act, 1950, (No. LXX of 1950), and in supersession of the Notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 503, dated the 2nd September 1950, in so far as it relates to the fixation of maximum price of Caustic Soda imported from the United Kingdom, the Central Government hereby fixes the following Schedule of maximum price of the said type of Caustic Soda.

SCHEDULE.

Variety of Caustic Soda	Maximum price at Bombay	Maximum price that may be charged by a distributor	Maximum price that may be charged by a wholesale dealer	Maximum price that may be charged by a retail dealer
(1)	(2)	(3)	(4)	(5)
Caustic Soda (Solid) 661 lb. drums.	Rs. 35-15-0 per cwt.	The price specified in col. 2 plus (a) actual railway freight by goods train from Bombay to the place of destination; and (b) handling charges not exceeding annas eight per cwt.	The price specified in col. 3 plus a margin not exceeding annas eight per cwt.	The price specified in col. 4 plus a margin not exceeding Rs. 1-12-0 per cwt.

NOTE:—This price is exclusive of the local taxes such as Sales Tax, Octroi, etc., which may be charged extra.

ORDER.

Ordered that a copy of the above Notification be communicated to all Governments, of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

Ordered also that it be published in the *Gazette of India*.

B. B. SAKSENA,

*Deputy Secretary to the
Government of India.*

PART IV

Section 2-A

**BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON
AND ACTS AND ORDINANCES OF MYSORE.**

NOTIFICATION.

No. 28—L.A., Bangalore, dated 9th April 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders the report of the Select Committee on the Mysore Village Panchayets and District Boards Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,

*Secretary,
Mysore Legislature.*

MYSORE LEGISLATIVE ASSEMBLY.

Budget Session, March-April 1951.

REPORT OF THE SELECT COMMITTEE ON THE MYSORE VILLAGE PANCHAYETS AND DISTRICT BOARDS BILL, 1951.

(Presented on 5th April 1951.)

We, the Members of the Select Committee to which the Mysore Village Panchayets and District Boards Bill, 1951, was referred, have considered the several clauses of the Bill in detail and have the honour to submit the following report:

Clause 2—Item (11).—We recommend that this definition of “panchayetdar” may be omitted as that word will not occur in the Bill in view of other recommendation made by the Committee.

Item (13).—We recommend that the definition of “private market” may be omitted, as in our view, there should be no provision for private markets in future.

Clause 3 (2).—Some of us think that in the less thickly populated parts of the State like the Malnad areas, a minimum population of 2,000 for the establishment of a Panchayet may be an unduly large number and we therefore consider it desirable to give power to the Government under this Bill to set up Panchayets for a smaller population in exceptional cases. We accordingly recommend that for sub-clause (2) of Clause 3, the following proviso may be added:

“Provided that the Government may in exceptional cases establish a Panchayet for a village or a group of villages with a population of less than 2,000 but more than 1,000.”

Clause 6.—In regard to the reservation of seats in a Panchayet for the Scheduled Castes, we are of the opinion that in accordance with the spirit of the Constitution, seats should be reserved in the proportion of their

population. We accordingly recommend that Clause 6 may be recast as follows:

"6. Seats shall be reserved in a Panchayet for the Scheduled Castes, the number of such seats bearing as nearly as may be the same proportion to the total number of seats in the Panchayet as the population of the Scheduled Castes in the village or group of villages served by a Panchayet bears to the total population of the village or villages:

Provided that at least one seat shall be reserved in a Panchayet for the Scheduled Castes:

Provided further that this section shall cease to have effect after ten years from the commencement of this Act."

Clause 8.—As the date on which a person completes twenty-one years of age in order to render him eligible to vote has to be determined with respect to each election, we recommend that after the words "twenty-one years of age" the words "on such date with reference to each election as may be prescribed by the Government" may be added.

Clause 9.—In item (b) of this Clause we recommend that the words "or whipping" may be omitted.

Clause 10.—We feel that candidates for election to a Panchayet should be not less than twenty-five years of age and we accordingly recommend that in Clause 10 after the word "election" the words "and is not less than twenty-five years of age on the date appointed for the presentation of nominations" may be inserted.

Clause 11.—In our opinion, the recommendation of a Panchayet on which the Commissioner may take action to remove a member should be a recommendation passed by a two-thirds majority. We accordingly recommend that for the words "on the recommendation of a Panchayet, remove any member, elected under this Act" the words "on a resolution of a Panchayet for the removal of a member, passed by a majority of not less than two-thirds of the total number of members, remove such member".

Clause 15.—We consider it unnecessary to provide for a Vice-Chairman for a Panchayet. We accordingly recommend that sub-clause (2) of this clause may be deleted and references to Vice-Chairman in this Clause, in Clause 16 and in the other Clauses of this bill may be omitted.

Clause 19 (3).—While we agree that the quorum for the meeting of a Panchayet should not be less than half, we consider it unnecessary to require such a large number for an adjourned meeting. We accordingly recommend that at the end of sub-clause (3) the following words may be inserted :

“If at the time appointed for the meeting or within half an hour thereafter a quorum is not present, presiding authority shall adjourn the meeting to such hour on the same day or on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if his attention is drawn to the want of a quorum. At such adjourned meeting, the business which would have been brought before the original meeting shall be transacted whether there is a quorum present or not provided that not less than five members are present.”

Clause 19. (6) We recommend that for the word “Panchayetdars” the words “members of the Panchayet” may be substituted.

Clause 20.—In sub-clause (1), for the words “every Panchayet shall employ” we recommend that the words “every Panchayet may employ” may be substituted in order to make it clear that the appointment of specified officers and servants is not a mandatory but only an empowering provision.

Clause 21.—We recommend that sub-clause (2) may be omitted as we have recommended the deletion of all provisions relating to Vice-Chairman of a Panchayet.

We recommend that the limit up to which the Chairman may pass bills and sanction estimates may be raised from Rs. 25 to Rs. 50 and the limit for incurring contingent expenditure may be decreased from Rs. 10 to Rs. 5, and we accordingly recommend that in item (1) for the

letters and figures "Rs. 25" the words "fifty rupees", and in item (2) for the letters and figures "Rs. 10", the words "five rupees" may be substituted.

Clause 23.—At the commencement of item (8) of this Clause we recommend that the word "establishment" may be inserted.

In item (20) we recommend that the word "sevadals" may be omitted as it is covered by the prior and subsequent clauses of this item.

In item (22) we recommend that the words "within a distance of 220 yards from the village" may be omitted.

We consider it unnecessary to make it an obligatory function of a Panchayet to attend to the matters set out in items (20) and (21). We accordingly recommend that these two items subject to the changes recommended above, may be transferred to Clause 24.

Clause 24.—We recommend that in item (6) after the word "education" the words "library and reading rooms" may be inserted.

We recommend that for the words "rural medicine" in item (13) the words "medical aid" may be substituted.

We consider it desirable to make the subjects referred to in items (3), (4), (10) and (12) of this Clause obligatory functions of a Panchayet and we accordingly recommend that these items may be taken over to Clause 23.

We feel that the exercise of the discretionary functions should not merely be subject to rules of the Government but should also be subject to prior approval of the Commissioner in each case. We accordingly recommend that at the commencement of this Clause after the words "in this behalf" the words "and subject to the previous approval of the Commissioner" may be inserted.

Clause 29.—In sub-clause (1) we recommend that for the words "within a month" the words "within two months" may be substituted.

Clause 38.—We have examined in great detail the question of proportion of land revenue to be assigned to the Panchayets. We consider it better to assign a specific

portion to a Panchayet so that it might be in a position to frame its own budget on the basis of ascertained income. We accordingly recommend that in sub-clause (1) for the words "ordinarily assign to a Panchayet an amount equal to six and one-fourth per cent of the land revenue" the words "assign to a Panchayet an amount equal to twelve and a half per cent of the land revenue" may be substituted and that sub-clause (2) may be deleted and sub-clause (3) may be suitably amended.

Clause 39.—We recommend that sub-clauses (1) and (2) of this Clause may be recast as follows:

"39. (1) The Panchayet shall determine the rates of tax on all houses, shops or places of trade or business, vacant sites, *hittals* and carts kept in the village or villages within its jurisdiction, not exceeding the maxima specified in Schedule I.

(2) When the rates of tax leviable are determined by the Panchayet under sub-section (1), the Secretary of the Panchayet shall prepare an assessment list in accordance with rules and bye-laws made in this behalf and the list so prepared shall be subject to the approval of the Panchayet. The assessment shall be recovered by the Secretary in such manner as the Panchayet may determine by bye-laws made in this behalf."

We recommend that in sub-clause (3) for the word "Secretary" the word "Panchayet" may be substituted.

Clause 42.—As we are informed that it may not be in order to provide for levy of taxes without specifying the taxes or setting out the maximum rate at which the levy could be made, we recommend that this Clause may be recast as follows:

"42. (1) A Panchayet may, subject to bye-laws made by it in this behalf, levy a tax on shandies, fairs and festivals at rates not more than the rates specified in Schedule III:

Provided that the levy of such tax is agreed to by not less than two-thirds of the total number of members of a Panchayet.

(2) Any tax specified in sub-section (1) may be cancelled with the previous sanction of the Government.

(3) The Secretary shall assess and take action to recover any such tax as is levied under sub-section (1)."

Original Clause 43.—For the reasons which are set out in respect of Clause 42, we recommend that this Clause may be deleted and that if at any time the Government consider it necessary to empower and permit a Panchayet to levy any other tax, cess or rate they may bring an amendment to the Bill for this purpose subsequent clauses may be re-numbered.

Clause 47 (Original Clause 48).—In sub-clause (4) of this Clause we recommend that the following item may be added at the end:

"(v) adequate closing balance has been provided for."

Clause 50 (Original Clause 51).—We consider it desirable to specify in the Bill itself the number of seats to be allocated to each District Board as all the districts in the State are not uniformly populated and any allocation on the basis of population must secure proper representation in some of the thinly populated districts. We accordingly recommend that sub-clause (2) may be recast as follows:—

"(2) The total number of seats in a District Board specified in the first column of the Fourth Schedule shall be the number specified in the second column thereof opposite to that district."

Clause 52 (Original Clause 53).—We recommend that the seats to be reserved for the Scheduled Castes in a District Board should have the same proportion to the total number as the population of the Scheduled Castes bears to the total population of the district. We accordingly recommend that sub-clause (2) may be recast as follows:—

"(2) The number of such seats shall bear, as nearly as may be, the same proportion to the total number of seats in the District Board as the population of the Scheduled Castes in the district bears to the total population of the district."

Provided that at least one seat shall be reserved in a District Board for the Scheduled Castes :

Provided further that this section shall cease to have effect after ten years from the commencement of this Act :

Provided further that the second proviso to this section shall not affect any representation in a District Board until the expiry of the term of office of its members. ”

Clause 54 (Original Clause 55).—In item (a) of sub-clause (1) (A) we recommend that the words “or whipping” may be omitted.

In item (a) of sub-clause (1) (B) we recommend that after the words “District Board” the words “Village Panchayet or any other local body” may be added.

We recommend that in item (c) of sub-clause (2) for the words “four consecutive months from the District for which the Board is established” the words “three consecutive meetings of the Board” may be substituted.

We recommend that sub-clause (3) of this Clause may be recast as follows :—

“(3) If any question arises whether any person is disqualified under this section or disabled from continuing as a member, the question shall be referred for the decision of the Government and its decision shall be final.”

Original Clause 57.—As the cases which might arise under sub-clause (1) of this Clause are covered by the provisions of sub-clauses (2) and (3) of Clause 55, we consider it unnecessary to repeat the same provisions and we accordingly recommend that this clause may be completely deleted and subsequent clauses re-numbered suitably.

Clause 57 (1) (Original Clause 59. (1)—We recommend that the words and figures “or the date of the order or proceeding under section 58” may be deleted as unnecessary.

We recommend that for the words “deposit of fifty rupees as security for costs” the words “deposit of one hundred rupees as security for costs” may be substituted.

Clause 61 (Original Clause 63).—We recommend that the words “or has refused to act as a member” occurring at the end of this Clause may be omitted.

We consider it necessary to require the support of at least two-thirds of the members for any recommendation of the District Board for the removal of a member on which the Government may take action. We accordingly recommend that for the words “on the recommendation of a District Board, remove any member of such Board” the words “on a resolution of a District Board for the removal of a member of such Board, passed by a majority of not less than two-thirds of the total number of members of the Board, remove such member” may be substituted.

Clause 62 (Original Clause 64).—In order to avoid any possible friction between an outgoing President and an incoming President, we recommend that the proviso to sub-clause (1) may be recast as follows:—

“Provided that notwithstanding the expiry of his term, a President or Vice-President shall continue in office until three of the clock on the day prior to the day appointed for the election of the next President.”

Clause 64 (Original Clause 66).—We recommend that this Clause may be recast as follows:—

“The jurisdiction of a District Board shall extend over the area of the district for which the District Board has been established except areas excluded from its jurisdiction under section 49.”

Clause 68 (Original Clause 70).—In view of the enlarged powers and responsibilities of District Boards, we consider it desirable to provide for meetings once in every two months instead of once in every three months.

We therefore recommend that in sub-clause (1) for the words “once in every three months” the words “once in every two months” may be substituted.

Since the expression “quarterly meeting” which is used in the subsequent provisions of this Clause for such meetings, would become inappropriate, we recommend that for the words “quarterly meeting” wherever they

occur, the words "ordinary meeting" may be substituted and after the words "two months" as recommended in sub-clause (1) of Clause 68, the brackets and words "hereinafter in this section called ordinary meeting" may be inserted.

We have recommended that Clause 62 may be amended so that an outgoing President would vacate his office on the day prior to the day appointed for the election of the new President. It will be therefore necessary to provide for a presiding officer for the first meeting of a reconstituted Board. We are of the opinion that the Deputy Commissioner of the District should be the officer who should preside over such a meeting, but that the date of the first meeting should be fixed by the Chief Executive Officer. We accordingly recommend that in item (a) of sub-clause (2) of this Clause for the words "fixed by the Deputy Commissioner" the words "fixed by the Chief Executive Officer and the Deputy Commissioner shall preside at such meeting" may be substituted.

Sub-clause (3) of this Clause provides that the minutes book shall be open to inspection by any member of the Board or by any inhabitant of the district. We consider it sufficient if this right to inspection is limited to members of the Board and to persons entitled to vote for elections to the Board. We accordingly recommend that for the words "by any inhabitant of the district" occurring at the end of this sub-clause, the words "by any person entitled to vote for elections to the District Board" may be substituted.

Clause 71 (Original Clause 73).—Since the function of watching over the financial and executive administration of the Board is conferred on the president also under Clause 65, we consider it unnecessary to allot this function independently to the Chief Executive Officer also. We accordingly recommend that item (3) of this Clause may be deleted.

Clauses 72 and 73 (Original Clauses 74 and 75).—In our view, the Chief Executive Officer may execute contracts or agreements where the amount or value of such contract or agreement does not exceed one thousand rupees, he may execute such contracts or agreements between one thousand rupees and three thousand rupees with the

approval of the President and in all other cases he can execute such contracts or agreements only with the previous approval of the Board and in any case he should report to the Board within fifteen days of such execution the fact of the execution of any contract whatsoever. We accordingly recommend that sub-clause (2) of Clause 72 may be recast as follows:

“(2) In respect of matters which he is empowered to carry out under the provisions of this Act, the Chief Executive Officer may execute contracts or agreements on behalf of the District Board where the amount or value of such contract or agreement does not exceed one thousand rupees and he may execute such contract or agreement on behalf of the District Board with the previous approval of the President where the amount or value of such contract or agreement exceeds one thousand rupees but does not exceed three thousand rupees and in all other cases he shall execute a contract or agreement only with the approval or sanction of the District Board.”

We recommend that Clause 73 may be recast as follows:—

“73. Where a Chief Executive Officer enters into contract or agreement on behalf of a District Board, he shall report the fact to the District Board within fifteen days thereof.”

Clause 74 (Original Clause 76).—The personal liability for misappropriation referred to in the proviso to this Clause should, in our opinion, apply not only to misappropriation to which a member of a District Board has been a party but also in respect of misappropriation of money or other property entrusted to him as member. We accordingly recommend that after the words “or other property of the Board” occurring in this proviso, the words “entrusted to him as member or” may be inserted.

Clause 77 (Original Clause 79).—We consider it sufficient if the President is made *Ex-officio* Chairman of the Standing and Audit Committees. The Vice-President should be the Chairman of the Public Health and the Scheduled Castes Amelioration Committees. We

accordingly recommend that sub-clause (2) may be recast as follows :—

“(2) The President of the District Board shall be a member and the Chairman of the Standing Committee and the Audit Committee and the Vice-President of the District Board shall be a member and the Chairman of the Public Health Committee and the Scheduled Castes Amelioration Committee and in the absence of the Chairman the Committee may appoint any other member to officiate as Chairman.”

We consider it desirable to specify the number of members of the Board belonging to the Scheduled Castes who should serve on the Scheduled Castes Amelioration Committee, and we accordingly recommend that the second proviso to sub-clause (3) may be recast as follows :—

“Provided further that the Scheduled Castes Amelioration Committee shall consist of not more than nine members of whom not more than six members shall be the Scheduled Castes members of the Board.”

Clause 78 (Original Clause 86).—We think that the Public Health Committee should perform only such duties and exercise such powers as may be delegated by the Board and we accordingly recommend that in sub-clause (3) for the words “The Public Health Committee shall perform the duties and exercise the powers of the Board” the words “The Public Health Committee shall perform such duties and exercise such powers of the Board as may be delegated to it by the Board” may be substituted.

In sub-clause (4) we recommend that for the words “shall supervise” the words “shall watch over” may be substituted.

Clause 80 (Original Clause 82).—In sub-clause (4) we recommend that for the words and brackets “shall be entitled to (and ordinarily shall on the invitation of the President of a District Board)” the words “shall ordinarily on the invitation of the President of a District Board” may be substituted.

Clause 87 (Original Clause 89).—We consider unnecessary to provide for travelling allowances to members as a discretionary duty and we recommend that item (7) of sub-clause (A) may be transferred to Clause 111 which relates to the application of District Fund.

In item (9) of the same sub-clause, it is necessary, in our view, to empower a District Board to provide for accommodation to servants of an institution to which the Board makes regular grants. We accordingly recommend that in this item after the words "District Board" the words "or belonging to any institution to which the Board makes regular grants" may be inserted.

In item (5) of sub-clause (B) we recommend that for the word "matter" the word "measure" may be substituted and that after the words "safety or convenience" the words "material or moral development of the people" may be inserted.

Clause 88 (Original Clause 90). We recommend that for the words "A District Board may agree" the words "A District Board may enter into an agreement" may be substituted.

Clause 90 (Original Clause 92).—We recommend that for the words "after consultation with the Board" occurring at the end of the Clause, the words "with the consent of the Board" may be substituted.

Clause 92 (Original Clause 94).—We recommend that for Clause 92, the following Clause may be substituted.

"92. Every District Board shall render such technical assistance as may be available with it and as may be required by the Village Panchayets within the district free of cost and it shall be lawful for a District Board to supplement works of development undertaken by a Panchayet within the district by taking up schemes which are beyond the powers of the Panchayets to execute."

Clause 96 (Original Clause 98).—We recommend that sub-clause (2) may be deleted as these matters could be provided by the rules.

We recommend that in sub-clause (3) which may be re-numbered as sub-clause (2), for the words "without the

sanction of the Government" the words "without the sanction of the Board" may be substituted.

Clause 97 (Original Clause 99).—We recommend that in sub-clause (1) the words "either private or public" may be deleted.

We also recommend that sub-clauses (3) and (4) may be deleted.

We recommend that in sub-clause (6) for the words "the local authority concerned" the words "the Panchayet or the District Board concerned" may be substituted.

Clause 98 (Original Clause 100).—We recommend that for the word and figure "Schedule III" the word and figure "Schedule V" may be substituted.

Clause 99 (Original Clause 101).—We are of the opinion that the right of appeal against the orders of the Chief Executive Officer on applications for licenses under this Part should lie not to the Commissioner but to the Board and we accordingly recommend that for the words "the Commissioner" occurring in sub-clause (1) the words "the Board" may be substituted.

Clause 106 (Original Clause 108).—We considered in great detail this provision relating to the assignment of certain revenues to the District Boards and we recommend that the word "ordinarily" occurring in sub-clauses (1) and (2) may be deleted.

We further recommend that in sub-clause (3) for the words "entire cess on land revenue and excise" the words "entire cess on land revenue, excise and forest revenue" may be substituted and that all the words occurring in this sub-clause after the word "excise" may be deleted.

Original Clause 109.—We recommend that this Clause may be omitted and subsequent clauses re-numbered suitably.

Clause 107 (Original Clause 110).—We recommend that sub-clause (2) of this Clause may be omitted as it does not appear permissible to levy a surcharge of the kinds contemplated by this sub-clause.

Original Clause 111.—As we understand that such a general provision is not permissible we recommend that this Clause may be deleted and subsequent clauses re-numbered suitably.

Original Clause 115.—We recommend that this Clause may be omitted as it is open to the Government, whenever it considers necessary, to empower a District Board to levy any special cess, to do so by an amendment of this measure.

Clause 119 (Original Clause 124).—We recommend that for the words “quarterly meetings” occurring in sub-clause (1) the words “ordinary meetings” may be substituted.

Sub-Clause (2).—We are of the view that the budget of a District Board should be sent to the Government for approval and that such approval should be presumed if the budget is not returned within two months. We accordingly recommend that for the words “shall be sent to the Government” the words “shall be sent for approval to the Government” may be substituted and that the following words may be added at the end:

“If the budget is not returned by the Government within two months of the receipt thereof by the Government, the budget should be presumed to have been approved by the Government”.

Clause 130 (Original Clause 135).—We recommend that in sub-clause (2) for the word “levy” the word “recover” may be substituted.

Original Clause 144.—We recommend that this clause may be omitted as we are not in favour of the Deputy Commissioner exercising powers of a Commissioner under this Act.

Clause 146 (Original Clause 152).—We recommend that in the proviso to sub-clause (4) for the words “five years” the words “one year” may be substituted.

Clause 156 (Original Clause 162).—We are of the opinion that before the Deputy Commissioner proceeds to execute any work in an emergency he should intimate the District Board and it is only on the failure of the District

Board to execute the work that the Deputy Commissioner should undertake it. We accordingly recommend that sub-clause (1) may be recast as follows:—

- “(1) In cases of emergency, the Deputy Commissioner after intimation to a District Board to execute any work or do any act which a District Board is empowered to execute or do under sub-section (1) of section 88 and the immediate execution or doing of which is in his opinion necessary for the safety of the public, within a time to be specified by him and on failure of the District Board to execute such work or do such act, may provide for the execution of such work or the doing of such act and direct that the expense of executing the work or doing the act with a reasonable remuneration to the person appointed to execute, or to do it, shall be paid by the District Board.”

Clause 158 (Original Clause 164).—We recommend that the words “appointment or” occurring in two places in sub-clause (3) may be deleted and that for the words “five years” occurring in the proviso to this sub-clause the words “one year” may be substituted.

Clause 160 (Original Clause 166).—We recommend that this Clause may be recast as follows:—

- “160. In respect of officers employed by a District Board the Government and the Commissioner, and in respect of officers employed by a Village Panchayet the Government, the Commissioner and the Deputy Commissioner concerned shall exercise the same authority and control which they or he exercises over their or his subordinates of corresponding status in the general and revenue administration.”

Clause 162 (Original Clause 168).—We recommend that item (d) of the proviso to this Clause may be omitted.

Clause 163 (Original Clause 169).—We recommend that in the second paragraph of sub-clause (1) for the words “six months” the words “eight months” may be substituted, 1

We recommend that after sub-clause (2) the following sub-clause may be inserted:—

“(3) (a) No civil court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Act, or for the recovery of any sum of money collected under the authority of this Act, or for damages on account of any assessment or collection of money under the said authority, if the provisions of this Act have been in substance and effect complied with.

(b) No suit or other legal proceedings shall lie against any member, officer, servant or agent of a District Board acting under its direction, in respect of anything done lawfully and in good faith under this Act or any rule made thereunder.”

Clause 164 (Original Clause 170).—We recommend that in item (b) of sub-clause (1) for the words “six months” the words “eight months” may be substituted.

We also recommend that the words “and the service of such notice is admitted or proved” occurring at the end of the same item may be deleted.

Clause 165 (Original Clause 171).—As provisions for detentions in jail provided by sub-clause (2) of this Clause may not be constitutional, we recommend that this sub-clause and the proviso thereto and Schedule IV may be deleted.

We recommend that in sub-clause (3) for the words “may also take proceedings” the words “may also take steps” may be substituted.

Clause 167 (Original Clause 173).—We recommend that in sub-clause (1) for the words “with fine which may extend to twenty-five rupees” the words “with fine which may extend to fifty rupees” may be substituted.

Clause 169 (Original Clause 175) (3).—We recommend that the words “any provision of Part I or” may be deleted.

Clause 172 (Original Clause 178).—We recommend that sub-clause (2) may be recast as follows:—

“(2) In the case of joint-owners and occupiers, it shall be sufficient to serve the notice or other document on, or send it to, any one of such owners or occupiers.”

Clause 173 (Original Clause 179).—In item (b) of Paragraph A of sub-clause (2) for the words “Panchaytdars” the words “members of a Panchayet” may be substituted.

In item (c) of Paragraph B of sub-clause (2) we recommend that for the word “officials” the words “officers and servants” may be substituted.

Clause 174 (Original Clause 180).—We recommend that the following words may be added at the end of sub-clause (2) of this Clause:—

“and any person who contravenes any bye-laws made by a Panchayet shall, on conviction before a Magistrate, be punished with fine not exceeding twenty rupees for each offence and in case of a continuing offence with a further fine which may extend to two rupees for every day on which such contravention is continued after the date of conviction, or any subsequent date as may be fixed by the Magistrate.”

Clause 175 (Original Clause 181).—In item (a) of sub-clause (1) we recommend that after the word “cart-stands” the word “bus-stands” may be inserted.

SCHEDULES.

We recommend that Schedule III may be renumbered as Schedule V and that Schedule IV may be omitted. We recommend that the following Schedules may be added as Schedules III and IV.

SCHEDULE III.

Maximum rates of taxes shandies, fairs and festivals

PART I.

FEES ON CATTLE.

- | | | | | |
|---|-----|---|---|---|
| (1) On every cattle-head brought for the cattle show (except in the case of young calves) | ... | 0 | 8 | 0 |
| (2) On every head of chaught bullocks passing into the precincts of the cattle show | ... | 0 | 8 | 0 |

PART II.

Tax on shop sites.

Block I.—

From the circle in Basavapatna Road to a distance of fifty yards on the east of the Road, fifty yards on the west, that is, in front of the Rest House, on the south, the entire Basavapatna road leading to Inspection Lodge;

The entire area may be grouped under class I, and a tax of Rs. 8 per square yard may be levied.

From the channel bridge upto some yards on both side of the eastern and western roads.

Block II.—

The road in front of Sri Rameswara Temple, that is, (in car Street) up to Aswathakatte in the Road leading to the Brahmins' Street.

The space in front of the Triangular Park of Subrahmanyeswara Temple;

Space in front of Basavapatna Road, that is up to the Class I border, but exclusive of Class I Area.

The area may be grouped as Class II, and a tax of Rs. 7 per square yard may be levied.

Block III.—

Road in front of Sri Subrahmanyeswaraswami Temple and space opposite to Sri Agasthyeswaraswami Temple.

Rs. 4 per square yard.

Block IV.—

Space (grouped as Class IV) on either side of the Basavapatna Road beyond the cattle show pendal.

Rs. 4.

Block V.—

1. For shops to be opened in the existing Shandy Area.

Rs. 2 per square yard.

2. For every new cart brought for sale

... Rs. 2.

Block VI.—

In respect of space taken in terms of yards for keeping stalls the following rates are leviable.—

		Rs.	a.	p.
1.	For sale of flowers, betel leaves and plantains brought in head-loads in baskets. ...	0	8	0
2.	Per cart-load of cocoanuts ...	0	8	0
3.	For offerings of Silver pieces to the Deity by the Devotees with the usual concessions in respect of six families—For every place of the offering ...	8	0	0
4.	In respect of every stall opened on the pials of houses in the bazaar street ...	16	0	0
5.	For every hotel run in houses ...	16	0	0
6.	In cases where " Bhakshya " dishes are sold in hotels for every such hotels ...	20	0	0
7.	In respect of every show in the case of dramas ...	20	0	0
8.	Do do cinemas...	20	0	0
9.	Do do circuses...	20	0	0
10.	For every Merry-go-round ...	16	0	0
11.	For every Mill-stone Stall ...	8	0	0
12.	For every shop selling camphor, flowers, fruits, etc., near temples ...	2	0	0
13.	For every Mutton or Meat-shop ...	20	0	0
14.	In respect of Picture Shows through Magnifying glasses—per every premises for every day ...	16	0	0
15.	For Arrack and Toddy shops—per day ...	12	0	0
16.	For every Pottery shop ...	2	0	0
17.	For sale in head-loads (except in the case of sale of fuel and grass) ...	1	0	0
18.	For sale on push-carts— for every cart ...	2	0	0
19.	From every Hawker in the streets ...	2	0	0

PART III.

Statement of Taxes chargeable on articles in a market or shandy.

Sl. No.	Description of Shops	Maximum Rates		
		I Class	II Class	III Class
		Rs. a. p.	Rs. a. p.	Rs. a. p.
1	Pottery Stall	...	0 8 0	0 4 0
2	Sweet-meat, Coffee, Cakes, etc., Restaurant	1 0 0	0 8 0	0 4 0
3	Cloth stall (stitched and unstitched) bed sheets, blankets, etc., stall	1 0 0	0 8 0	0 4 0
4	Groundnut stall	...	0 4 0	0 2 0
5	Rice, Dhall, Ragi, etc., Bran Stall	1 0 0	0 8 0	0 4 0
6	Indigenous Drugs Stall	...	...	0 2 0
7	Vegetable Stall per basket (worth 8 annas)	...	...	0 2 0
8	Vegetable Stall per basket (less than 8 annas)	...	...	0 1 0
9	Fish Stall	...	...	0 4 0
10	Bamboo Winnows, Basket, Mat, etc., Stall	...	...	0 4 0
11	Cutlery Stall (Knife, Scissors, Etc.)	1 0 0	0 8 0	0 4 0
12	Fruit Stall	...	0 4 0	0 2 0
13	Tobacco Stall	1 0 0	0 8 0	0 4 0
14	Eggs' Stall	...	...	0 4 0
15	Betel-leaves Stall for every 25 bundles and fraction thereof...	...	...	0 2 0
16	Match-box Stall	...	...	0 2 0
17	Kaddi-pudi Stall	...	0 8 0	0 4 0
18	Bakery Stall	...	...	0 4 0
19	Kerosene-oil Stall	...	...	0 4 0
20	Jaggery stall	1 0 0	0 8 0	0 4 0
21	Salt Stall	...	...	0 4 0
22	Onions, Garlick, etc., Stall	...	...	0 4 0
23	Cocoanut Stall	0 8 0	0 4 0	0 2 0
24	Tailor's Shop (with Tailoring Machine)	...	...	0 8 0
25	Bangles' Stall	...	...	0 4 0
26	Silk or Yarn Stall	...	...	0 8 0
27	Areca-nut Stall	...	0 8 0	0 4 0

Serial No.	Description of Shops	Maximum Rates					
		I Class		II Class		III Class	
		Rs.	a.	p.	Rs.	a.	p.
28	Snuff Stall	...	...	...	...	0	4 0
29	Flower Stall	...	...	...	...	0	2 0
30	Stalls other than those described above	0	8	0	0	4	0
31	Snacks Stall	...	...	...	...	0	8 0
32	Meat or Butcher's Stall	1	0	0	0	8	0
33	Cattle Stall per Sheep and Goat	...	...	...	...	0	4 0
34	Cows, Bulls, Bullocks per head	...	...	...	...	0	8 0
35	Sheep per head	...	...	...	...	0	4 0
36	Fowls per head	...	...	...	...	0	2 0
37	Hides and Skins—each	...	...	...	...	0	2 0
38	Combined Stalls containing two or three varieties of stalls of the description noted above	1	0	0	0	8	0
39	For every laden cart	1	0	0	...	...	...
40	For every unladen cart	0	8	0	...	...	...
41	Hardware Shop	1	0	0	0	8	0
42	Vessels Shop	1	0	0	0	8	0
43	Horse-shoeing	...	...	...	...	0	8 0
44	Glassware Stall	...	...	...	0	8	0
45	Chunnaim Stall	...	...	...	...	0	2 0
46	Kadale-puri Stall	...	...	...	...	0	4 6
47	Grains-measuring Stall	1	0	0	...	...	...
48	Goldsmith's Stall	2	0	0	...	...	...
49	Half-a-ton Lorry on each Lorry	1	0	0	...	...	...
50	Sugarcane Stall	...	...	...	...	0	4 0
51	Sheep and Goat Skins	...	...	...	...	0	2 0

NOTE.—1. Stalls having articles of the value of Rs. 25 and more should be classified as I Class.

2. Stalls having articles of the value of more than Rs. 5 and less than Rs. 25 should be classified as II Class.

3. Stalls having articles of the value of less than Rs. 5 should be classified as III Class.

4. Those who have paid tolls on a laden-cart and have obtained a receipt for the same are exempted from the payment of shop tax.

5. Head-loads of the value of less than four annas are exempted from shandy tax.

6. Articles (1) Locally-made or (2) of Hand-loom manufacture, bearing the seal of the Mysore Industries and Commerce Department, are exempted from the payment of shandy tax.

SCHEDULE IV.

Composition of District Boards.

(See SECTION 50)

<i>Name of the District Board.</i>	<i>Proposed number of Members.</i>		
1. Bangalore	...	...	40
2. Mysore	...	...	36
3. Mandya	...	...	25
4. Hassan	...	...	23
5. Shimoga	...	...	20
6. Chikmagalur	...	...	20
7. Chitaldrug	...	...	29
8. Tumkur	...	...	40
9. Kolar	...	...	34

The Bill was published in the *Mysore Gazette* Extraordinary, dated 16th January 1951. In our opinion, the Bill has not been so altered as to require re-publication.

R. CHENNIGARAMIAH
 H. B. GUNDAPPA GOWDA
 H. M. CHANNABASAPPA
 H K VEERANNA GOWDH
 S. RANGARAMAIAH
 M. GOVINDA REDDY
 M. MADIAH
 MUDDU RAMAIAH
 B. HUTCHE GOWDA
 B. CHANNA BYRE GOWDA
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THE MYSORE VILLAGE PANCHAYETS AND DISTRICT BOARDS BILL, 1951.

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[AS AMENDED BY THE SELECT COMMITTEE.]

(Words *sidelined* or *underlined* indicate the amendments suggested by the Committee; asterisks indicate omissions.)

THE MYSORE VILLAGE PANCHAYETS AND DISTRICT BOARDS BILL, 1951.

WHEREAS it is expedient further to amend and Preamble.
consolidate the law relating to local bodies in rural areas
in the State of Mysore;

It is hereby enacted as follows:—

PART I—GENERAL.

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Village Panchayets and District Boards Act, 1951. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore;

Provided that the Government may, by notification in the *Mysore Gazette*, exclude from the operation of this Act, any village forming part of a local area under the administration of a town board or a sanitary board.

(3) This section shall come into force at once. The other sections of this Act shall come into force in any district or part of a district on such date as the Government may by notification in the *Mysore Gazette* appoint in this behalf.

2. In this Act, unless there is anything repugnant in Definitions.
the subject or context—

- (1) “building” includes a house, shop, warehouse, workshop, hut or shed;
- (2) “Commissioner” means the Commissioner for Local Self-Government appointed by the Government;
- (3) “dangerous disease” means cholera, plague, small-pox and any endemic or epidemic or

infectious disease by which the life of man is endangered ;

(4) "Deputy Commissioner" includes the officer in charge of the revenue administration of a part of a district declared to be a district under clause (5) for the purposes of this Act ;

(5) "district" means any local area which, for the purposes of the collection of land revenue, shall have been placed for the time being, under the charge of a Deputy Commissioner of a district ;

(6) "District Board" means any Board constituted under this Act ;

(7) "Government" means the State Government ;

(8) "land revenue" means all sums and payments received or claimable by or on behalf of Government, from any person on account of land held by, or vested in, him ;

(9) "market" means a place where goods or animals are publicly exposed or brought for sale periodically ;

(10) "Panchayet" means a panchayet constituted under this Act ;

(11)

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(11) "prescribed" means prescribed by rules made under this Act ;

(12)

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(12) "public ferry" means a ferry used for the conveyance for hire of any passenger, animal, cart, carriage or other vehicle or goods ;

(13) "public market" means a market which a District Board opens under section 92 or a market the control over which is or may be vested in a Panchayet by the Government ;

(14) "taluk" includes a sub-taluk ;

(15) "village" means a local area recognised by the Government as a village for purposes of collecting the land revenue and includes a *dhakle* village and

an alienated village, but does not include a local area which is constituted as a municipality or a village which is, under the proviso to sub-section (2) of section 1, excluded from the operation of this Act ;

- (16) “ village forest ” means a forest constituted as such under the Mysore Forest Act, 1900.

PART II—VILLAGE PANCHAYET.

CHAPTER II.

CONSTITUTION OF PANCHAYET.

Establish-
ment of
Panchayets.

3. (1) The Government shall, subject to the provisions of this section and to such rules as may be made by them in this behalf, establish a Panchayet for every village or group of adjoining villages and shall have power by a notification in the *Mysore Gazette* to vary, as occasion may demand, the grouping of villages :

Provided that the Government shall, before a Panchayet is established for a group of villages, or a re-grouping of villages is effected, publish, in such manner as may be prescribed, a notice of their proposal to do so and consider any objections that may be preferred within one month of such publication.

(2) In establishing a Panchayet for a village or group of adjoining villages, the Government shall, as far as may be, establish one Panchayet for a population of not less than 2,000 nor more than 5,000 :

Provided that the Government may in exceptional cases establish a panchayet for a village or a group of villages with a population of less than 2,000 but more than 1,000.

Incorporation
of Panchayets.

4. Every Panchayet shall be a body corporate by such name, being the name of the village or one of the villages in a case where a Panchayet has been established for a group of villages, as the Government may determine and shall have perpetual succession and a common seal, and shall sue or be sued by the said name. Subject to any rules made by the Government in this behalf, it shall also have power to acquire, hold or transfer property, moveable or immoveable, whether within or without the limits of the area over which it has authority, enter into contracts and do all things necessary for all or any of the purposes of this Act.

Strength of
the Pan-
chayets and
the election of
members.

5. (1) A Panchayet shall consist of such number of members being not less than 15 nor more than 20 as may be determined by the Government subject to rules framed by the Government in this behalf :

Provided that where a Panchayet is established for a group of villages, there shall ordinarily be at least one member for each village in the Panchayet.

(2) The members shall be elected, and bye-elections shall also be held, in such manner as may be prescribed.

6. Seats shall be reserved in a Panchayet for the Scheduled Castes, the number of such seats bearing as nearly as may be the same proportion to the total number of seats in the Panchayet as the population of the Scheduled Castes in the village or group of villages served by a Panchayet bears to the total population of the village or villages : Reservation of seats.

Provided that at least one seat shall be reserved in a Panchayet for the Scheduled Castes :

Provided further that this section shall cease to have effect after ten years from the commencement of this Act.

7. (1) If two-thirds of the number of voters in a village included within a group of villages under the jurisdiction of a Village Panchayet, elect to have their village brought under the jurisdiction of any other Village Panchayet, such village may, with the consent of the latter Village Panchayet, be brought under its jurisdiction, and after a period of not less than five years, may, similarly be brought within the jurisdiction of another Village Panchayet. Conditions under which a village under a Panchayet may be included under another Panchayet.

(2) If two-thirds of the number of voters in any village included in a group of villages under the jurisdiction of a Village Panchayet elect to have a Village Panchayet constituted for their village, such village may be constituted as a Village Panchayet under this Act.

8. Every person who is a resident of a village and has completed twenty-one years of age, on such date with reference to each election as may be prescribed by the Government shall, unless disqualified be entitled to vote at an election of members of the Panchayet of that village. Qualifications of voters.

9. No person may vote—

(a) who is of unsound mind ; or

Disqualifi-
cation of
voters.

- (b) who is sentenced by a criminal court to imprisonment * * * for an offence punishable with imprisonment for a term exceeding six months:

Provided that (1) the offence is not of a political character or is one which involves moral turpitude, (2) such sentence has not been subsequently reversed or quashed or;

- (c) who is adjudicated an insolvent; or

- (d) who has been ordered to find security for good behaviour under section 118 of the Criminal Procedure; Code or

- (e) who has been removed from office under section 11: Provided that the disqualification—

- (1) under clause (b) will, in the case of a person sentenced to imprisonment for a term not exceeding three months, cease to operate after one year after the expiry of the sentence, and in all other cases after three years after the expiry of the sentence;

- (2) under clause (d), will cease to operate after expiry of the period during which the person is ordered to furnish security;

- (3) under clause (e) will cease to operate after the expiry of three years from the date of such removal.

Qualifications
of candidates.

10. Every person who is entitled to vote at an election and is not less than twenty-five years of age on the date appointed for the presentation of nominations shall be qualified to be elected as a member.

Removal of
members of
Panchayet

11. The Commissioner may, on a resolution of a Panchayet for the removal of a member, passed by a majority of not less than two-thirds of the total number of members, remove such member after giving him an opportunity of being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting. The order of the Commissioner shall be final.

Removal of
Chairman
and Vice-
Chairman.

12. The Commissioner may remove a Chairman from his office for misconduct, or neglect of, or incapacity to perform his duty or for any disgraceful conduct, after giving him an opportunity of being heard and after such

enquiry as the Commissioner deems necessary. An appeal shall lie to the Government from the order of the Commissioner.

13. (1) If any person who is not qualified for election is elected to a Panchayet, his seat shall become vacant and if any member of a Panchayet becomes disqualified during the term for which he has been elected, he shall cease to be a member and in either case the vacancy shall be filled up in the manner prescribed. Vacation of seats.

(2) If any question, dispute or doubt arises regarding any vacancy under this section, the orders of the Deputy Commissioner shall be final for the purpose of deciding such question, dispute or doubt.

14. Except as otherwise provided in this Act, members of a Panchayet shall hold office for a term of 4 years : Term of office of members of a Panchayet.

Provided that the Government may for reasons to be stated in writing, extend the said period to a term not exceeding in the aggregate 5 years.

15. (1) For every Panchayet there shall be a Chairman who shall be elected by the members of the Panchayet from among themselves. Election of Chairman and Vice-Chairman.

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(2) Whenever the office of Chairman becomes vacant, the Panchayet shall choose another member to be Chairman. *

16. (1) A member of a Panchayet may resign his seat in writing under his hand addressed to the Chairman and the seat shall become vacant upon receipt by the Chairman of such resignation. Vacancy in office of Chairman, Vice-Chairman or Member.

(2) A member holding office as Chairman may resign his office at any time by writing under his hand addressed to the Deputy Commissioner and the office shall become vacant upon the receipt by the Deputy Commissioner of the resignation.

(3) Every Chairman shall vacate his office if he ceases to be a member of the Panchayet.

17. The jurisdiction of a Panchayet shall extend over the area comprised within the revenue boundaries of the village or villages for which the Panchayet has been established. Jurisdiction of panchayet.

CHAPTER III.

CONDUCT OF BUSINESS.

Appointment
of Secretary.

18. Subject to such rules as may be made by the Government in this behalf, the Commissioner shall appoint a Secretary to be in charge of one or more Panchayets specified by the Commissioner.

Procedure for
meetings of
panchayets.

19. (1) Subject to the provisions of this section and to such rules as may be made by the Government in this behalf, a Panchayet shall, in the transaction of its business, follow such procedure as may be set out in bye-laws made under this Act.

(2) The Chairman shall hold a meeting of a Panchayet once at least every month. He may, whenever he thinks fit, and shall, upon the written request of not less than one-half of the members, call a special meeting.

(3) The quorum for a meeting of a Panchayet shall be not less than one-half of the whole number of members of the Panchayet. If at the time appointed for the meeting or within half an hour thereafter a quorum is not present, the presiding authority shall adjourn the meeting to such hour on the same day or on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if his attention is drawn to the want of a quorum. At such adjourned meeting, the business which would have been brought before the original meeting shall be transacted whether there is a quorum present or not.

Provided that not less than five members are present.

(4) Except as otherwise provided, all questions before a Panchayet shall be decided by a majority of the votes of the members present and voting. The Chairman, unless he refrains from voting, shall give his vote before declaring the number of votes for and against a question and in case of an equality of votes, he shall give his casting vote.

(5) At every meeting of a Panchayet, the Chairman shall preside and in his absence the Vice-Chairman shall preside and in case both are absent, the members of the Panchayet present shall choose one of their number to preside thereat.

(6) No act of a Panchayet shall be deemed invalid by reason only that the number of members of the Panchayet at the time of the performance of such act was less than the sanctioned strength or by reason of any irregularity in the election of any member or Chairman or Vice-Chairman of such Panchayet.

20. (1) Subject to such rules as may be made by the Government in this behalf, every Panchayet may employ such officers and servants and shall assign to them such pay, allowances, gratuities, pensions and contributions as may be necessary. Establishment of panchayets.

(2) The officers and servants appointed by the Panchayet will be subject to the disciplinary control of the Secretary.

21.* Subject to such rules as may be made by the Government in this behalf, every Chairman of a Panchayet shall have the power to— Powers of Chairman of Panchayet.

(1) pass bills and sanction estimates up to a money limit of fifty rupees provided that provision for such expenditure is made in the sanctioned budget;

(2) incur contingent expenditure up to five rupees at any one time;

(3) operate on the Village Panchayet account including authorisation of payment, issue of cheques and refunds;

(4) supervise the general administration of the Panchayet and to inspect works undertaken by it;

(5) exercise such other powers as may be conferred by other provisions of this Act.

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22. Subject to such rules as may be made by the Government in this behalf, the Secretary of every Panchayet shall undertake the following duties and exercise the following powers :— Powers of Secretary of Panchayet.

(1) preparation and maintenance of assessment lists;

(2) maintenance of essential statistics;

(3) maintenance of accounts and records;

- (4) recovery of Panchayet dues ;
 - (5) execution and supervision of works undertaken by the Panchayet ;
 - (6) checking estimates and bills in respect of works ;
 - (7) supervision of sanitation and public health measures ;
 - (8) convening meetings as required by this Act ;
 - (9) maintenance of proceedings of the Panchayet and forwarding copies of such proceedings to prescribed authorities within prescribed periods ;
 - (10) subject to general control by the Chairman power to appoint officers and servants of the Panchayet and to fine, reduce, suspend or dismiss any of them ;
 - (11) power to issue bills and notices to defaulters ;
 - (12) power to issue distraint warrants and to distrain and seize moveables provided that such warrants are issued under the signature of the Chairman ;
 - (13) power to file complaints on behalf of the Panchayet and to conduct proceedings on its behalf ;
 - (14) subject to bye-laws made by the Panchayet to take part in meetings of the Panchayet and to speak thereat but not to vote or move any motion ;
 - (15) generally to undertake such duties and exercise such powers as may be conferred or delegated under the provisions of this Act.
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CHAPTER IV.

FUNCTIONS OF PANCHAYET.

23. It shall be the duty of every Panchayet within the limits of the fund at its disposal to make adequate provision for carrying out the requirements of the area under its jurisdiction in regard to the following matters :—

Obligatory functions of Panchayet.

- (1) construction, repair and maintenance of village roads including cart tracks, culverts and bridges but not including those under the control of any other local body or of the Government ;

*Explanation :—*Village road in this clause means all roads in the village, thana and vonies, cart tracks and other passages leading to public wells, tanks and agricultural lands.

- (2) construction of drains and disposal of drainage water and sullage ;
- (3) cleansing of streets, drains, tanks and wells (other than tanks and wells used exclusively for irrigation) and other public places or works in the area under its jurisdiction ;
- (4) construction, repair and maintenance of public wells, tanks and ponds for supply of water for drinking, washing and bathing purposes ;
- (5) regulation of buildings, shows, shops, eating and other entertainment houses ;
- (6) removal of encroachments on public streets, public places and property vested in the Panchayet ;
- (7) opening and maintenance of burial grounds ;
- (8) establishment, management and maintenance of cattle pounds ;
- (9) sanitation and conservancy and prevention and abatement of nuisance, taking curative and preventive measures in cases of epidemic ;
- (10) preservation and improvement of public health ;
- (11) maintenance and regulation of the use of public buildings and properties vested in or belonging to the Panchayet ;

- (12) allotment of places for storing manure and the enforcement of provisions for storing under composting methods ;
- (13) carrying out or assisting in any work entrusted by the District Board or the Government ;
- (14) planting and preservation of trees on roads and in other public places ;
- (15) regulation of public jattras, fairs, festivals and shandies except those managed by the District Board or by the Government ;
- (16) maintenance of essential statistics of the village in the form prescribed by the Government ;
- (17) welfare of Scheduled Castes and Scheduled Tribes ;
- (18) regulating sale and preservation of meat in meat-stalls by vendors ;
- (19) licensing of hotels ;
- (20) regulating, curing, tanning and dyeing of skins and hides * * *
- (21) extension of village sites ;
- (22) excavation and maintenance of ponds for the supply of water to animals ;
- (23) filling in of insanitary depressions and levelling of land by reclaiming unhealthy areas ;
- (24) regulating the collection, removal and disposal of manure and sweepings.

Discretionary
functions of
Panchayet.

24. Subject to such rules as may be made by the Government in this behalf and subject to the previous approval of the Commissioner, a Panchayet may, within the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its jurisdiction in regard to all or any of the following matters:—

- (1) providing relief for travellers ;
- (2) relief of the poor and the sick ;
- (3) * * *
- (4) * * *

- (3) control of cattle stands, grazing grounds and other communal waste land ;
- (4) development of education, library and reading rooms agricultural co-operation, rural industries and trade ;
- (5) the lighting of the village ;
- (6) other measures of public utility calculated to promote the safety, health, comfort or convenience of the residents of the area ;
- (7) the improved breeding and medical treatment of cattle and prevention of cattle disease and construction and maintenance of slaughter houses ;
- * * *
- (8) establishment and maintenance of maternity and child welfare centres ;
- * * *
- (9) medical aid including establishment and maintenance of small dispensaries either singly or in collaboration with other panchayets ;
- (10) control and management of village forests ;
- (11) management of minor muzrai institutions ;
- (12) exercising all the powers and discharging all the functions of a Panchayet under the Tank Panchayet Act ;
- (13) rural security including organisation of village guards and other associations for the maintenance of village morale and safety ;
- (14) organising rural development or multi-purpose co-operative societies.

25. Subject to such rules as may be prescribed by the Government, any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet and subject to such conditions as may be agreed upon, make over to it the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which it has got control.

Institutions or works may be transferred to Panchayet.

26. The Government may, subject to such conditions as may be imposed, authorise any Panchayet, by a general or special order, to exercise any functions or perform any duties other than those specified in sections 23 to 25.

Power of Government to add to functions of Panchayets.

General
powers of
Panchayet.

27. A Panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified in sections 28, 29, 30, 31 and 32; provided that the Panchayet may appoint Committees to perform any of these functions.

Power of
Panchayets
as to roads,
bridges and
water-ways.

28. The Panchayet shall have control of all village roads and bridges thereon, cart-tracks, drains, tanks, wells and other public places in the village, not being private property and not being under the control or management of a District Board, municipal council or a Government officer, and may do all things necessary for the maintenance and repair thereof and may—

- (a) lay out and make new roads;
- (b) construct new bridges;
- (c) widen, open, enlarge, or otherwise improve any road or bridge;
- (d) divert, discontinue or close any road or bridge;
- (e) deepen or otherwise improve water-ways; and
- (f) provide for the lighting of any road or public place within the village.

Control of the
erection of
buildings.

29. (1) Subject to such rules as may be prescribed, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet. Such permission shall be presumed to have been granted if no refusal of such permission is communicated within two months of the receipt of the application.

(2) Whenever any building is erected, altered, added to or reconstructed without such permission or in any manner contrary to the rules prescribed under sub-section (1) or any conditions imposed by the permission, the Panchayet may—

- (a) direct that the building, alteration, or addition be stopped;
- (b) by written notice, require such building, alteration or addition to be altered or demolished as it may deem necessary; or
- (c) withdraw the permission.

30. (1) Notwithstanding anything contained in section 29, the Government may, in the public interest and after consulting the Panchayet concerned, prohibit, by notification published in the *Mysore Gazette*, the erection of any building within a specified area in a Panchayet, except with permission granted by the Government in this behalf.

Power of Government to prohibit the erection of buildings in certain areas without permission.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall, on conviction, be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or in violation of the conditions imposed under sub-section (2).

31. (1) No place within the jurisdiction of a Panchayet shall be used for the purpose of any trade or business which the Government may, by notification declare to be offensive or dangerous, except under a license from the Panchayet and subject to such conditions as may be imposed in the license.

Prohibition of offensive or dangerous trades without license.

(2) When a licensee fails to comply with any condition imposed in the license, the Panchayet may suspend or cancel his license.

32. (1) No place within the jurisdiction of a Panchayet shall be used as a dairy, hotel, restaurant, eating house, coffee house, sweetmeat shop, bakery, boarding house or lodging house (other than a students' hostel under public or recognised control), or for manufacturing ice or aerated water, without a license from the Panchayet and except in accordance with the conditions specified therein.

Control of dairies, hotels, etc.

(2) A license under this section shall be granted or renewed only on payment in advance of such fee as may be prescribed.

(3) The Panchayet may, for reasons to be recorded in writing, refuse to grant or renew a license or suspend or cancel a license granted or renewed under sub-section (1)

for default of any of the conditions subject to which the license was granted.

(4) The Panchayet may, having regard to the local conditions, fix the number and category of dairies, hotels, restaurants, eating houses, coffee houses, sweetmeat shops, bakeries, boarding or lodging houses, and places for manufacturing ice or aerated water, and direct by order the closure of such places as may be specified by it used for the purposes aforesaid, in excess of those fixed by it:

Provided that no place shall be directed to be closed except after notice of not less than thirty days.

(5) Any person aggrieved by the refusal to grant or renew a license or by the suspension or cancellation of a license under sub-section (3) or by an order directing the closure of a place under sub-section (4) may, within thirty days of the date of communication of the order, appeal to the Deputy Commissioner; and the decision of the Deputy Commissioner on such appeal shall be final.

Power as to
sanitation,
conservancy
and drainage.

33. (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction, a Panchayet may, by a written notice, require, within a reasonable period to be specified therein—

- (i) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part;
- (ii) the owner or occupier of any building to construct private drains therefor or to alter or to remove private drains thereof;
- (iii) the owner or occupier of any land or building which needs to be cleansed, to cause the same to be cleansed to the satisfaction of the Panchayet;
- (iv) the owner or occupier of any land or building which contains a well, pool, ditch, pit, pond, tank or any place containing or used for the collection of any drainage, filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action therewith, as may be deemed necessary by the Panchayet;

(v) the owner or occupier of any land overgrown with vegetation, under-growth, prickly-pear, or jungle which is in any manner injurious to health or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, under-growth, prickly-pear or jungle.

(2) If any work required by a notice under sub-section (1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) as if it were a tax imposed under section 37.

34. (1) For providing the area under its control or any part thereof with a supply of water, pure, sufficient for public and private purposes, the Panchayet may—

Power for providing adequate water supply.

(a) construct, repair and maintain tanks or wells and clear out streams or water courses;

(b) purchase or acquire by lease or gift any tank, well, stream or water-course, or any right to take or convey water within or without the area under its control;

(c) with the consent of the owner thereof, utilize, cleanse or repair any tank, well, stream or water-course or provide facilities for obtaining water therefrom;

(d) contract with any person for a supply of water; or

(e) do any other acts necessary for carrying out the purposes of this section.

(2) The Panchayet may, by order published at such places as it may think fit, set apart for the supply of water to the public for drinking or culinary purposes, any tank, well, stream, or water-course in respect of which action has been taken under clause (a) or (b) or (c) of sub-section (1), subject to any rights which the owner referred to in clause (c) of the sub-section (1) may retain with the consent of the Panchayet.

(3) The Panchayet may, by order published at such places as it may think fit, prohibit—

(a) bathing, washing of clothes and animals, or other acts calculated to pollute the water of any

tank, well, stream or water-course set apart for drinking or culinary purposes under sub-section (2); and

- (b) during epidemics, the use of any source of water supply for drinking or culinary purposes or for the washing of clothes.

Power of Government to make rules regarding provision of water supply.

35. Subject to such rules as the Government may make in this behalf, a Panchayet may make bye-laws for conserving and preventing injury to sources and means of water-supply, and appliances for the distribution of water, whether within or without the limits of the Panchayet; and for regulating all matters connected with the supply and use of water and the turning on, or turning off, and preventing the waste of, water and the construction, maintenance and control of Panchayet water works and pipes and fittings in connection therewith, whether the property of the Panchayet or not.

Power of entry.

36. Any member, officer or servant of a Panchayet may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or execute any work for any of the purposes of this Act:

Provided that—

- (a) no such entry shall be made between sunset and sunrise;

- (b) unless the entry be with the consent of its occupier, no dwelling house shall be so entered without giving reasonable previous notice signed by the Chairman or by a person duly authorised by him in this behalf of the intention to make such entry; and

- (c) due regard shall be had in making such entry to the social and religious usages of the occupants of the premises entered.

CHAPTER V.

PANCHAYET FUND AND RECOVERY OF DUES.

37. (1) All sums realised as taxes, fees, cesses, fines or costs under this Act, all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871, all sums of revenue assigned to the Panchayet under this Act or by any general or special order of Government and all other receipts of the Panchayet including any donations from a private person or body of persons, and any contribution or grant from a District Board or the Government (and loans raised by the Panchayet) shall be paid into a fund to be called the "Panchayet Fund."

(2) The Panchayet Fund shall be administered by the Panchayet and the expenses incurred by the Panchayet in carrying out the purposes of this Act shall be paid out of the Panchayet Fund:

Provided that all sums made over to or realised by a Panchayet for any specific purpose shall be applied solely for that purpose.

(3) The Panchayet Fund shall be lodged in the Government Savings Bank or in a Co-operative Society or Bank approved by the Deputy Commissioner, or in such manner as may be prescribed. A Panchayet may, from time to time, with the approval of the Deputy Commissioner, invest any portion of its surplus funds in Government securities or other securities approved by the Government.

38. (1) The Government shall * * * assign to a Panchayet an amount equal to twelve and a half per cent of the land revenue collected in the area of the Panchayet.

Government to assign part of land revenue to Panchayet.

(2) The amount assigned to each Panchayet under sub-section (1) * * * may be credited to the Panchayet Fund once every year or in such other manner as may be prescribed.

Taxes on
houses, shops,
etc.

39. (1) The Panchayet shall determine the rates of tax on all houses, shops or places of trade or business, vacant sites, *hittals* and carts kept in the village or villages within its jurisdiction, not exceeding the maxima specified in Schedule I.

(2) When the rates of tax leviable are determined by the Panchayet under sub-section (1), the Secretary of the Panchayet shall prepare an assessment list in accordance with rules and bye-laws made in this behalf and the list so prepared shall be subject to the approval of the Panchayet.

The assessment shall be recovered by the Secretary in such manner as the Panchayet may determine by bye-laws made in this behalf.

(3) It shall be competent to the Panchayet to make provision for exemptions in favour of individuals or a class of individuals subject to such rules as may be prescribed in this behalf.

Village
improvement
tax.

40. (1) A Panchayet may levy a village improvement tax subject to such provisions as may be made by it in bye-laws.

(2) Such tax shall be levied at rates not less than Rs. 6 or more than Rs. 10 per family per annum.

Profession
tax.

41. A Panchayet may, subject to such bye-laws as may be made by it in this behalf, and with the sanction of the Commissioner, levy profession tax on all or any of the professions set out in Schedule II and at rates not exceeding the maxima prescribed in the said Schedule.

Pilgrim tax,
tax on fairs,
etc.

42. (1) A Panchayet may, subject to bye-laws made by it in this behalf levy a tax on shandies, fairs and festivals at rates not more than the rates specified in Schedule III:

Provided that the levy of such tax is agreed to by not less than two-thirds of the total number of members of a Panchayet.

(2) Any tax specified in sub-section (1) may be cancelled with the previous sanction of the Government.

(3) The Secretary shall assess and take action to recover any such tax as is levied under sub-section (1).

43. (1) If, at any time, in the opinion of the Deputy Commissioner, the regular income of the Panchayet falls below what is necessary for the proper discharge of the duties specified in section 23, the Deputy Commissioner may call upon the Panchayet to take steps within six months to increase its income to such an amount as may be considered necessary. If the Panchayet fails to take adequate steps to increase its income to the required amount, the Deputy Commissioner may require it to increase the rate of taxes imposed under section 39.

Increase of income.

(2) An appeal shall lie to the Commissioner from an order of the Deputy Commissioner under this section.

44. Objections to any assessment and the liability of any person to be assessed under this Act shall be preferred and decided in accordance with rules made under this Act.

Objection in respect of liability to assessment.

45. (1) The amount of taxes, fees or other dues shall be paid in such manner as may be prescribed, and in case of default of such payment, shall be recoverable by the Amildar as an arrear of land revenue.

Collection of taxes, cesses, fees, etc.

(2) Nothing herein contained shall preclude the institution by the Secretary of a suit for any amount due under this Act.

(3) No proceedings shall be taken under sub-section (1) more than six years after the amount became due.

46. Subject to such rules as may be prescribed, a Panchayet may raise loans for carrying out works of permanent utility within the area under its control. The amounts so borrowed shall be a first charge upon its revenues.

47. (1) Subject to such rules as may be prescribed in this behalf by the Government, every Panchayet shall prepare a budget of estimated receipts and expenditure for the next official year and forward it to the Commissioner or to such other person as may be specified in the rules.

Power of Panchayet to raise loans.

(2) Every such budget shall be scrutinised and passed by the Commissioner or such other person to whom it has been forwarded:

Annual budget of Panchayets.

Provided that the budget shall be presumed to have been passed if it is not returned by the Commissioner or such other officer within two months of the receipt thereof by the Commissioner.

(3) No expenditure which is not provided for in the budget as passed by the Commissioner or such other officer shall be incurred without the previous sanction of the Commissioner.

(4) The scrutiny of such budget shall be limited to ascertain if—

- (i) the obligatory duties specified in this Act have been provided for ;
- (ii) the financial commitments of the previous years have been provided for ;
- (iii) contributions due to Government and to other local bodies have been provided for ;
- (iv) expenditure proposed is well within the normal revenue ; and
- (v) adequate closing balance has been provided for.

Annual
accounts
and audit.

48: Accounts of all the receipts and expenditure of every Panchayet shall be maintained for every official year in such form as the Government may prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf.

PART III—DISTRICT BOARD.

CHAPTER VI.

CONSTITUTION OF DISTRICT BOARD.

49. (1) As soon as may be after the commencement of this Act, and with effect from such date as it may appoint, the Government shall establish by notification in the *Mysore Gazette*, for each district, a District Board having authority over the entire district, provided that such portions of the district as are included in a municipality or are under the authority of a Sanitary Board or a Town Board constituted under any law for the time being in force shall be excluded from the jurisdiction of the District Board.

Establishment and incorporation of District Boards.

(2) Every District Board shall be a body corporate by the name of the District Board of the District for which it shall have been established, shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

50. (1) Every District Board shall be composed of members elected in accordance with the provisions of this Chapter.

Composition of District Boards.

2. The total number of seats in a District Board specified in the first column of the fourth schedule shall be the number specified in the second column thereof opposite to that district.

51. The members shall be elected by electorates consisting of members of every Panchayet constituted within the District.

Composition of electorate.

52. (1) Seats shall be reserved in a District Board for the Scheduled Castes.

Reservation of seats for Scheduled Castes.

(2) The number of such seats shall bear, as nearly as may be, the same proportion to the total number of seats in the District Board as the population of the

Scheduled Castes in the district bears to the total population of the district :

Provided that at least one seat shall be reserved in a District Board for the Scheduled Castes :

Provided further that this section shall cease to have effect after ten years from the commencement of this Act :

Provided further that the second proviso to this section shall not affect any representation in a District Board until the expiry of the term of office of its members.

List of voters.

53. (1) The District Board shall keep a list for each constituency of persons qualified to vote at elections of members to the District Board.

(2) Such list shall be prepared and revised in such manner as may be prescribed.

Disqualification of members.

54. (1) (A) No person may be a member of a District Board—

(a) who has been sentenced by a criminal court to imprisonment * * * for an offence punishable with imprisonment for a term exceeding six months, or to transportation, provided that (1) the offence is not of a political character or is one which involves moral turpitude, (2) such sentence has not been subsequently reversed, or quashed, or

(b) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(c) who has been dismissed from Municipal, District Board or Government service, such dismissal having been notified as debarring him from re-employment, or

(d) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent court, the disqualification in the latter case being operative during the period of such suspension, or

- (e) who is an undischarged insolvent, or
- (f) who is less than twenty-five years of age, or
- (g) who is of unsound mind, or
- (h) who has been removed from membership under section 63, or
- (i) who is a judge, and

(B) No person,—

- (a) who is a salaried servant of a District Board, Village Panchayet or any other local body or Government,

- (b) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a District Board, or in any contract or employment with, or under or by, or on behalf of a District Board, or

- (c) who is employed as paid legal practitioner on behalf of a District Board or accepts employment as legal practitioner against a District Board,

may be a member of such District Board :

Provided that—

- (a) the disqualification in sub-clause (b) of clause (A) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;

- (b) the disqualification in sub-clause (a), (c) and (d) of clause (A) will cease to operate after the expiry of three years from the date of such sentence, dismissal, or removal or earlier by an order of the State Government ;

- (c) a person shall not be deemed to have incurred disqualification under clause (B) (b) by reason of his—

- (i) having a share in any joint-stock company or a share or interest in any literary association registered under the Societies Registration Act, 1904, or in any society registered under the Mysore Co-operative Societies Act, 1948, which shall contract with or be employed by or on behalf of the District Board, or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the District Board may be inserted, or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the District Board.

(2) If any member of a District Board during the term for which he has been elected—

(a) becomes subject to any disqualification specified in sub-section (1), or

(b) votes or takes part as a member in the discussion of any matter in which he has directly or indirectly by himself or his partner any such share or interest as is described in sub-clause (i) and (ii) of clause (c) of the proviso to sub-section (1), or

(c) absents himself for more than three consecutive meetings of the Board unless leave so to absent himself, which shall not exceed six months, had been granted by the Board, or absents himself for six consecutive months from meetings of the Board,

he shall be disabled from continuing to be a member and his office shall become vacant.

(3) If any question arises whether any person is disqualified under this section or disabled from continuing as a member, the question shall be referred for the decision of the Government and its decision shall be final.

Qualification
of members.

55. (1) Every person who is not less than 25 years of age and is entitled to vote at an election to a Panchayet within the district shall be qualified to be elected as a member of a District Board.

(2) Every person who is not less than 25 years of age and who pays mohatarfa in a Panchayet within the District shall also be qualified to be elected as a member of a District Board:

Provided that no person shall be qualified to be a member of more than one District Board.

56. Subject to the provisions of this Act, elections and bye-elections to District Boards shall be held in accordance with such rules as may be made by the Government in this behalf. Procedure for elections.

57. (1) At any time within fifteen days after the declaration of the result of an election * * * any candidate who stood for election or any ten persons qualified to vote at that election, may apply, together with a deposit of one hundred rupees as security for costs, to the Judge not below the rank of a Subordinate Judge, appointed by the Government in this behalf, for the determination of the validity of the election or the legality of the order or proceeding in question. Determination of validity of elections; enquiry by Judge; procedure.

(2) An enquiry shall thereupon be held by the Judge who may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or the order of the Deputy Commissioner or other officer empowered in this behalf under section 56, or setting the election aside. For the purposes of the said enquiry, the said Judge may exercise any of the powers of a civil court. He may also award costs in such manner as he may deem fit and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure and his decision shall be conclusive. If he sets aside an election, he shall forthwith communicate the fact to the Deputy Commissioner who shall take the necessary steps for holding a fresh election.

(3) (a) If, on holding such enquiry, the Judge finds that a candidate has, for the purpose of the election, committed a corrupt practice within the meaning of sub-section (4), he shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

(b) If in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Judge, shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected :

Provided that for the purposes of such computation no vote shall be reckoned as valid if the Judge finds that it was given by an unqualified person or any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(4) A person shall be deemed to have committed a corrupt practice—

- (a) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or
- (b) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate, with reference to the election.

Explanation.—The expression “a promise of individual profit” includes a promise for the benefit of the person himself or any person in whom he is interested, but does not include a promise to vote for or against any particular measure which may come before the District Board for consideration.

(5) If the validity of the election is brought in question only on the ground of an error made by the officer charged with carrying out the rules made in this behalf or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

Explanation.—The expression ‘error’ in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or the rules made thereunder whereby the result of election has been materially affected.

(6) If the Judge sets aside an election under clause (a) of sub-clause (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section to be disqualified from being a member of any District Board for a term of

years not exceeding five and the decision of the Judge shall be conclusive:

Provided that such person, may, at any time be relieved from such disqualification by an order of the State Government in that behalf:

Provided further that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration shall not be made.

58. The names of all members finally elected to any District Board, shall be reported to the Government who shall notify it in the *Mysore Gazette*.

Publication of names of members in the *Mysore Gazette*.

59. Except as is otherwise provided in this Act, members of a District Board shall hold office for a period of four years:

Term of office of members.

Provided that the Government may for reasons to be stated in writing extend the said period to a term not exceeding in the aggregate 5 years.

60. A member of a District Board may resign his membership in writing under his hand addressed to the President of the District Board and his seat shall become vacant upon receipt by the President of such resignation.

Resignation of member.

61. The Government may, if it thinks fit, on a resolution of a District Board for the removal of a member of such Board, passed by a majority of not less than two-thirds of the total number of members of the Board, remove such member, after giving him an opportunity of being heard and after such enquiry as the Government deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a member of the Board. * * *

Removal of members for misconduct, etc.

62. (1) Every District Board shall, as soon as may be, choose two members of the District Board to be respectively President and Vice-President thereof, and so often as the office of President or Vice-President becomes vacant, by death, resignation, removal or otherwise, the District Board shall choose another member to be President or Vice-President as the case may be:

Election of President and Vice-President.

Provided that notwithstanding the expiry of his term, a President or Vice-President shall continue in office until three of the clock on the day prior to the day appointed for the election of the next President. *

(2) The election of the President or the Vice-President of a District Board and filling up of vacancies in the said offices shall be held in accordance with such rules as may be made in this behalf by the Government.

Resignation
or removal
of President
and Vice-
President and
grant of leave
to President
and Vice-
President.

63. (1) A member holding office as President or Vice-President may resign his office at any time by writing under his hand addressed, if such a member is the President to the Vice-President and if such a member is the Vice-President to the President and the office shall become vacant upon the receipt by the Vice-President or the President, as the case may be, of the resignation.

(2) Every President or Vice-President shall vacate office if he ceases to be a member of the District Board :

Provided that he shall be removable from office as such President or Vice-President by the Government for not commanding the confidence of the Board to be evidenced by a resolution of the District Board in favour of which not less than two-thirds of the whole number of members of such Board have given their votes at a meeting specially convened for the purpose.

(3) Every President who for a period exceeding three months and every Vice-President who for a period exceeding one month absents himself from the District in such manner as to be unable to perform his duties as President or Vice-President, shall cease to be President or Vice-President, as the case may be, unless leave so to absent himself has been granted by the Board.

(4) Leave under sub-section (3) shall not be granted for a period exceeding six months, and whenever leave is granted to a President or Vice-President under that sub-section, the Board shall elect one of its members to exercise all the powers and perform all the duties of a Vice-President in lieu of the Vice-President, if any, who is exercising the powers and performing the duties of the President or who is absent on leave, during the period for which such leave is granted. If there is no Vice-President for the Board or if the Vice-President is also on

leave when leave is granted to a President, the Board shall elect one of the members to perform the duties of the President on leave.

64. The jurisdiction of a District Board shall extend over the area * * * of the district for which the District Board has been established, except areas excluded from its jurisdiction under section 49. Jurisdiction of District Board.

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CHAPTER VII.

CONDUCT OF BUSINESS.

Powers of
President.**65.** The President of a District Board shall—

- (a) preside at the meetings of the Board and all its standing committees;
- (b) watch over the financial and executive administration of the Board and exercise general supervision and control without prejudice to the statutory powers of the Chief Executive Officer;
- (c) submit to the Board all questions which require its sanction;
- (d) furnish to the Government a copy of every resolution passed at every meeting of the Board and extracts from the minutes of the proceedings of the Board or other document or thing which the Government may from time to time call for, and forward a copy to the Commissioner;
- (e) furnish to the Commissioner a copy of any resolution or extracts from the minutes of the proceedings of the Board or other document or thing which he may from time to time call for; and
- (f) subject to the provisions contained in rules to be made in this behalf by the Government, exercise such powers or duties relating to the executive functions of the Board which may be delegated to him by the Board.

Emergency
powers
of President.

66. The President of the District Board may, in cases of emergency, direct the execution or stoppage of any work or the doing of any act which requires the sanction of the Board and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the District Fund:

Provided that—

- (a) he shall not act under this section in contravention of any order of the Board prohibiting the execution of any particular work or the doing of any particular act, and

- (b) he shall report forthwith the action taken under this section and the reasons therefor to the standing committee at its next meeting.

67. The Vice-President of a District Board shall—

Powers of
Vice-President

- (a) in the absence of the President, preside at the meetings of the Board;
- (b) exercise such powers and perform such duties of the President as the President may, from time to time, delegate to him; and
- (c) save as provided in section 60, exercise powers and perform the duties of the President pending the election of a President or during the absence of the President on leave.

68. (1) A District Board shall meet for the transaction of business generally at district headquarters and occasionally at other places with the permission of the Government, once in every two months (hereinafter in this section called ordinary meeting) and shall, subject to the provisions of the following sub-sections, make, from time to time, regulations not inconsistent with this Act and with any rules or orders made by the Government in this behalf, with respect to the day, hour, notice, management and adjournment of its meetings and generally with respect to the transaction of business thereat, as it thinks fit.

Meetings of
District
Boards.

(2) (a) The date of the first meeting of the Board after reconstitution, shall be fixed by the Chief Executive Officer and the Deputy Commissioner shall preside at such meeting and the date of each subsequent ordinary meeting shall be fixed at the previous meeting of the Board, provided that the President may, for sufficient reasons, alter the day of the meeting to a subsequent date. The President may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the members and for a date within twenty-one days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting is proposed to be called.

(b) Fourteen clear days' notice of an ordinary meeting and ten clear days' notice of a special meeting specifying the time and place at which such meeting is to be held

and the business to be transacted thereat, shall be sent to the members and posted up at the District Board Office. Such notice shall include in the case of a special meeting any motion or proposition mentioned in the written request made for such meeting.

(c) One-third of the whole number of members of the District Board shall form a quorum for transacting business at a meeting of the Board. If, at the time appointed for the meeting or within half an hour thereafter, a quorum is not present, the presiding authority shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if attention is drawn to the want of a quorum. At such adjourned meeting the business which would have been brought before the original meeting shall be transacted, whether there is a quorum present or not, provided that not less than five members are present.

(d) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the Board such as should be held in private, and provided that the said authority may at any time, cause any person to be removed who interrupts the proceedings.

(e) Every meeting shall be presided over by the President, or, if he be absent, by the Vice-President, if any, and if both the President and Vice-President are absent or if the President be absent and there is no Vice-President, by such one of the members present as may be chosen by the meeting to be Chairman for the occasion.

(f) All questions shall, unless otherwise specially provided, be decided by a majority of votes of the members present and voting. The President, Vice-President or Chairman, as the case may be, unless he refrains from voting, shall give his vote before declaring the number of votes for and against a question and in case of equality of votes he shall give his casting vote.

(g) No member of a District Board shall vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the Board or any Committee, if the question is one in which apart from its general application to the public he has any direct or indirect pecuniary interest.

(h) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the Board may be chosen to preside at the meeting during the continuance of such discussion.

(i) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any quarterly meeting unless it has been entered in the notice convening such meeting or, in the case of a special meeting, in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority, who, in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(j) Any ordinary meeting may, with the consent of a majority of the members present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

(k) No resolution of a District Board shall be modified or cancelled within six months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of members at a quarterly or special meeting, notice whereof shall have been given fulfilling the requirements of clause (b) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

(3) Minutes shall be kept of the names of the members and of the Government officers, if any, present under the provisions of sub-section (4) of section 80 and of the proceedings at each meeting of the Board, and if any member present at the meeting so desires, of the names of the members voting, respectively, for or against any resolution, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the President,

Vice-President or Chairman of such meeting and shall, at all reasonable times, be open to inspection by any member of the Board or by any person entitled to vote for elections to the District Board.

(4) A copy of every resolution passed by a District Board at a meeting shall, within ten days from the day of the meeting, be forwarded to the Government and to the Commissioner and the Government may pass such orders thereon as they may think fit.

Vacancy not to affect proceedings of Board or Committee.

(5) During any vacancy in a District Board or any Committee thereof, the continuing members may act as if no vacancy had occurred.

Interpellations and resolutions.

69. (1) A member of a District Board may call the attention of the President to any neglect in the execution of the District Board work, to any waste of District Board property, or to the wants of any locality within the District Board area and may suggest any improvements which may appear desirable.

(2) A member of a District Board may move resolutions and interpellate the President on matters connected with the administration of the Board, subject to such regulations as may be made by the Board.

(3) Every member shall have access to the records of the District Board or of any Committee after giving due notice to the President, provided that the President may, for reasons given in writing, forbid such access.

(4) A District Board may, subject to such restrictions and conditions as may be imposed by the Government by rules made in this behalf, pass and submit for the consideration of the Government, resolutions on questions connected with the administration of the district other than those coming within the purview of this Act.

Chief Executive Officer and other officers of the District Board.

70. (1) Every District Board shall have a Chief Executive Officer appointed by the Government.

(2) Subject to such rules as may be made by the Government in this behalf, every District Board shall be entitled to employ such officers and servants and assign to them such pay, allowances, gratuities, pensions and contributions as may be necessary, and generally to provide for leave, punishment and other matters relating to the officers and servants by regulations.

(3) The officers and servants appointed by the District Board under sub-section (2) shall be subordinate to, and subject to the disciplinary control of, the Chief Executive Officer.

71. The Chief Executive Officer shall perform the following functions :— Functions of
the Chief Executive Officer.

- (1) convene meetings and maintain proceedings thereof;
- (2) furnish the District Board with returns, statements, estimates, statistics or other information relating to the administration of the Board, and reports on such matters and copies of documents in his charge whenever called upon by the District Board to do so;

(3) * * * *

- (3) exercise supervision and control over the acts of all officers and servants of the Board in matters of executive administration and in matters relating to accounts and records of the Board;

- (4) furnish to the Government through the President a copy of every resolution passed at a meeting of the Board;

- (5) furnish through the President any extract of the proceedings of the Board or of any Committee thereof or of other documents or things which the Commissioner or any officer authorised by the Government in this behalf, may call for;

- (6) appoint with the approval of the President, and subject to such rules as the Government may make in this behalf, qualified persons to posts under the District Board and grant leave of absence to holders of such posts and to fine, reduce, suspend or dismiss holders of such posts;

Provided that an appeal shall lie against his orders of fine, reduction, suspension or dismissal to the Commissioner;

- (7) prefer, subject to the provisions of this Act, complaints in prosecutions by the District Board and conduct proceedings, civil or criminal, on behalf of the Board;

- (8) subject to regulations made by the District Board in this behalf, take part in meetings of the

Board and speak thereat but shall not vote or move any motion; and

(9) such other functions as may be delegated to him by the Board.

Mode of
making
contracts.

72. (1) Every contract or agreement entered into on behalf of the District Board, shall be binding on the District Board only if the said contract or agreement is executed in accordance with the provisions of this section.

(2) In respect of matters which he is empowered to carry out under the provisions of this Act, the Chief Executive Officer may execute contracts or agreements on behalf of the District Board where the amount or value of such contract or agreement does not exceed one thousand rupees and he may execute such contract or agreement on behalf of the District Board with the previous approval of the President where the amount or value of such contract or agreement exceeds one thousand rupees but does not exceed three thousand rupees and in all other cases he shall execute a contract or agreement only with the approval or sanction of the District Board.

(3) Notwithstanding anything to the contrary in subsection (2), the Chief Executive Officer shall not execute any contract or agreement on behalf of the District Board for the purchase, sale, lease, mortgage or other transfer of immovable property except with the approval or sanction of the District Board.

Contracts
entered into
by the Chief
Executive
Officer to be
reported.

73. Where a Chief Executive Officer enters into a contract or agreement on behalf of a District Board, * * * he shall report the fact to the District Board within fifteen days thereof.

District Fund
ordinarily
liable for all
costs and
expenses
incurred by
the Board.

74. Except as is hereinafter otherwise provided, no Chief Executive Officer and no member of a District Board shall be personally liable in respect of any contract or agreement made, for any expense incurred by, or on behalf of, such Board: the District Fund at the disposal of each District Board shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses:

Provided that every member of a District Board shall be personally liable for the misapplication, loss or waste of any money or other property of the

Board, entrusted to him as member or to which he has been a party or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member and may be sued by the Board concerned with the sanction of the Government, or by the Government, for the recovery of or compensation for the misapplication, loss or waste of such money or property; and any money or property so recovered by the Government shall, after satisfaction therefrom of the necessary expenses of such recovery, be delivered to the District Board.

75. (1) A District Board may compromise in respect of any suit instituted by or against it, or, in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Powers to compromise suits and claims.

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compromising any claim or demand arising out of such contract.

(2) A District Board may make compensation out of the District Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it and its officers and servants under this Act.

76. (1) All public works requiring a degree of professional skill not at the disposal of the District Board shall, as a rule, be carried out by the Public Works Department unless specially ordered otherwise by the Government.

Works to be executed by the Public Works Department.

(2) All other works of the District Board shall be executed by such agency and subject to such supervision as the District Board thinks fit subject to the rules prescribed by the Government in this behalf:

Provided that any such work shall be executed by the Public Works Department in the manner specified in sub-section (1), if the Board communicates a desire to that effect.

(3) When any work is executed for a District Board by the Public Works Department, the expenses incurred on the work together with the charges for supervision and tools and plant at such rates as may be fixed by the

Government shall, unless waived by the Government, be payable by the Board to the Public Works Department.

District
Board to
appoint
Committees.

77. (1) Every District Board shall appoint the following committees:—

- (i) Standing Committee;
- (ii) Audit Committee;
- (iii) Public Health Committee;
- (iv) Scheduled Castes Amelioration Committee.

(2) The President of the District Board shall be a member and the Chairman of the Standing Committee and the Audit Committee and the Vice-President of the District Board shall be a member and the Chairman of the Public Health Committee and the Scheduled Castes Amelioration Committee and in the absence of the Chairman the Committee may appoint any other member to officiate as Chairman.

(3) The total number of members of each committee shall be such as may be prescribed by regulations made in this behalf by the District Board:

Provided that such number shall not be more than 7 nor less than 5:

Provided further that the Scheduled Castes Amelioration Committee shall consist of not more than nine members of whom not more than six members shall be the Scheduled Castes members of the Board.

Functions of
Committees.

78. (1) The Standing Committee shall frame the budget and enunciate policies to be adopted by the Board before they are submitted to the Board and shall also exercise such other powers as may be delegated by the Board.

(2) The Audit Committee shall scrutinise proposals for increase of revenue, examine receipts and expenditure statements, consider all new propositions affecting finance and shall generally supervise the revenue and expenditure of the Board and perform such other functions as may be delegated by the Board.

(3) The Public Health Committee shall perform such duties and exercise such powers of the Board as may be delegated to it by the Board in regard to matters of public health and sanitation and shall give

effect to the provisions of this Act and rules and regulations framed thereunder and may delegate any of its duties and powers to any member or officer of the Board. Such member or officer shall conform to any instructions that may, from time to time, be given by the Board. The committee may, at any time, withdraw any of the duties or powers so delegated.

(4) The Scheduled Castes Amelioration Committee shall watch over every Scheduled Castes amelioration work save such work as may be excluded from its purview by an order of the Government in this behalf.

79. A District Board may appoint committees consisting of such members as it may decide for any purpose other than those specified in sections 77 and 78 and may invest each committee so appointed with such powers as may be necessary or expedient for the fulfilment of the purpose for which it is appointed; and every such committee, shall cease to exist on completion of the specific purpose for which it is appointed or at such time as may be determined by the District Board.

Other committees.

80. (1) A District Board may frame regulations relating to election or appointment of members of committees, conduct of business therein, and all other matters relating to them.

Procedure of committees.

(2) Every committee shall meet at least once a month.

(3) The Chief Executive Officer shall attend every meeting of every committee and shall be entitled to take part in discussions but not to vote or move motions.

(4) All Heads of Departments and District Officers of Government shall * * * ordinarily on the invitation of the President of a District Board attend any meeting of the District Board or of any committee thereof, and to address such Board or committee on any matter under discussion affecting their respective departments and shall furnish their advice in such matters whenever desired by the Board or the committee.

81. (1) A District Board may, from time to time, concur with any other District Board or with any Municipal Council or with any Panchayet or with more than one such Board or Council or Panchayet in appointing, out of

Joint Committees.

their respective bodies, a Joint Committee for any purpose in respect of which they are jointly interested, and in delegating to any such Joint Committee any power which might be exercised by either or any of the Boards or Councils or Panchayets concerned, and in framing or modifying regulations, as to the proceedings of any such Joint Committee :

(2) If any dispute arises between two or more local authorities acting under this section, the decision thereon shall rest with the Government :

Provided that the Government may delegate their power under this section to such officer in such matters and to such extent as may be prescribed by rules framed in this behalf.

Acts of
Boards, etc.,
not to be
invalidated.

82. No act of a District Board, or of any committee, or of any person acting as a member or as a President, Vice-President, or Chairman or Chief Executive Officer shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee, President, Vice-President, Chairman or Chief Executive Officer or member, or on the ground that they, or any of them, were disqualified for such office, or that formal notice of the intention to hold a meeting of the Board or Committee was not duly given, or by reason of such act having been done during the period of any vacancy in the office of the President, Vice-President or Chief Executive Officer or member of such Board or Committee, or for any other informality.

CHAPTER VIII.

FUNCTIONS OF DISTRICT BOARD.

83. Subject to the rules or orders made by the Government in this behalf consistently with this Act, every District Board shall have power to acquire and hold property, both movable and immovable, whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any movable property which may have become vested in or been acquired by it and to contract and to do all other things necessary for the purposes of this Act:

Power of District Board to acquire and hold property and to contract.

Provided that no lease of immovable property for a term exceeding seven years and no sale or other transfer of any such property, shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Government:

Provided also that nothing herein contained shall empower any District Board to raise loans except as provided for in section 114 and without the previous sanction of the Government.

84. All roads, bridges, channels, buildings, and other property, movable and immovable, held by or under the control and administration of and all institutions committed to the management of the District Board in each district for the purposes of the Mysore District Boards Act, 1926, shall, for the purposes of this Act, be under the control, administration and management of the District Board of such district subject to all rights, if any, existing over, and all debts, liabilities, and obligations, if any, affecting, such properties and institutions, provided that nothing herein contained shall empower the District Board to exercise any authority or control over the properties and institutions whose administration devolves on a Panchayet constituted under this Act.

Roads and other property of the old District Boards to vest in the District Boards constituted under this Act.

85. Every road, building or other work constructed by a District Board from the District Fund shall be vested in such Board except such portion of the road as may lie within the area of a municipality.

Works constructed by District Board to be vested in it.

86. (1) It shall be the duty of every District Board to make, subject to such exceptions and conditions as may from time to time be made or imposed by the Government in this behalf, reasonable provision for the following matters within the area under its jurisdiction and when effective provision cannot otherwise be made, outside that area :—

- (i) construction, repair and maintenance of public roads and other means of communication which are not under the control of any other local body or of the Government ;
- (ii) planting and preservation of trees on the sides of roads and other public grounds in its control ;
- (iii) establishment, management, maintenance and inspection of hospitals, dispensaries, veterinary hospitals, markets, travellers' bungalows, musafir-khanas, rest-houses and other public institutions and the construction and repair of all buildings connected with these institutions ;
- (iv) construction and repair of public wells, tanks and water works which serve more than one Panchayet, supply of water from them and from other sources and preservation from pollution of water for drinking and cooking purposes ;
- (v) promotion of vaccination and the appointment and control of vaccinators ;
- (vi) measures necessary for the public health, sanitation and other local services affecting villages in different Panchayets and control of public health and sanitation during jattras or fairs and festivals ;
- (vii) management of such public ferries as may be entrusted to its charge ;
- (viii) maintenance of any building or other property vested in the Board under this Act ;
- (ix) formulation of annual programmes of rural development and Scheduled Castes upliftment work in the District for the approval of the Government ;
- (x) organisation of conferences, training centres, agricultural and industrial exhibitions for the benefit of the rural areas ;
- (xi) organisation and maintenance of rural publicity and propaganda ;

- (xii) spread, control and management of adult education work in the district ;
- (xiii) control of fairs, festivals and shandies ; and
- (xiv) such other matters as may be entrusted to the District Board by the Government from time to time.

(2) A District Board may, subject to regulations made in this behalf, entrust to a Panchayet within the district the right to establish and ply ferries.

87. A District Board may, in its discretion,—

Discretionary
duties of
District
Boards.

(A) (1) provide for the registration of births and deaths within the district subject to such conditions as the Government may impose in this behalf ;

(2) with the sanction of the Government from time to time, guarantee the payment from the District Fund of such sums as it shall think fit as interest on capital expended on any works which may directly improve the means of communication within the district or between the district and other districts ;

(3) encourage and develop co-operative societies in the district ;

(4) promote development of economic conditions with special reference to agriculture, industry and commerce ;

(5) encourage local arts and industries and grant loans for this purpose subject to such rules as may be made in this behalf by the Government ;

(6) take measures for improvement of cattle ;

(7) * * * *

(7) provide motor and other transport facilities for the carriage of the public or guarantee from the District Fund such sums as the District Board shall think fit as interest on capital expended by the Government or a company for this purpose and grant loans for providing capital for this purpose ;

(8) provide accommodation for any class of servants employed by the District Board or belonging to any institution to which the Board makes regular grants and grant loans to such servants for construction of houses subject to such rules and conditions as may be made by the Government in this behalf; and

(B) with the previous approval of the Government—

- (1) organise and maintain in time of famine or scarcity, relief and local relief works and shops or stalls for the sale of necessary supplies;
- (2) contribute towards any public fund raised for the relief of human suffering within or without the area under the authority of the District Board;
- (3) by a resolution passed at a meeting and supported by one-half of the whole number of members of the District Board arrange for any public reception, ceremony or entertainment;
- (4) establish and maintain middle and high schools, industrial and trade or occupational institutions in the district;
- (5) undertake any other measure not hereinbefore specially named to promote the public health, safety or convenience, material or moral development of the people or which is necessary for the carrying out the purposes of this Act, expenditure whereon is resolved by the District Board by the votes of not less than one-half of the whole number of members of the District Board to be an appropriate charge on the District Fund.

District Board may, with the consent of owners, take over and repair works.

88. A District Board may enter into an agreement with the person in whom the property in any road, bridge, tank, ghat, well, channel or drain is vested to take over the property therein, and after such agreement may declare, by notice in writing put up thereon, or near thereto, that such road, bridge, tank, ghat, well, channel or drain has been transferred to the District Board. Thereupon, the property therein shall be vested in the District Board, and such road, bridge, tank, ghat, well, channel or drain shall thenceforth be repaired and maintained out of the District Fund.

89. It shall be lawful for the Government from time to time to direct that any road, bridge, channel, building or other property, movable or immovable, which is vested in the Government and which is situated within a district, shall, with the consent of the District Board of such district, and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the District Board for the purposes of this Act and thereupon such road, bridge, channel, building or other property shall be under the control and administration of the Board, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

Government may place roads and other property under District Board.

90. It shall be competent to the Government from time to time by notification in the *Mysore Gazette* to resume any property placed under the control of a District Board under section 89, on such terms as the Government may determine * * * with the consent of the Board.

Power of Government to resume property.

91. It shall be lawful for a District Board from time to time to undertake, on behalf of the Government and upon such conditions as may be agreed upon, the construction, repair and maintenance of any public building or other work which is the property of the Government:

District Boards may undertake construction, repair and maintenance of Government buildings.

Provided that the cost of such construction, repair and maintenance shall be defrayed by the Government.

92. Every District Board shall render such technical assistance as may be available with it and as may be required by the Village Panchayets within the District free of cost and it shall be lawful for a District Board to supplement works of development undertaken by a Panchayet within the district by taking up schemes which are beyond the powers of the Panchayets to execute.

Other duties of District Boards.

93. A District Board may, with the sanction of the Government, turn, divert, discontinue or permanently close any road which is under the control and administration of, or is vested in, the District Board.

Powers to turn, divert, discontinue or close road.

94. Subject to regulations made in this behalf, the Chief Executive Officer of a District Board may permit the temporary occupation or use of any road or land vested in the Board for the erection of pendals, or for any other lawful purpose.

Power to permit temporary occupation or use of roads and lands vested in the Board.

Control of
unwieldy
traffic.

95. It shall be lawful for a District Board, subject to such rules as may be prescribed by the Government in this behalf and to the regulations framed by the District Board, to notify that any road vested in it shall not be used by any vehicle (not being a motor vehicle duly licensed under the provisions of the Mysore Motor Vehicles and Road Traffic Act, 1944, for the time being in force) of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians except under a license issued by the Chief Executive Officer and in accordance with the rules framed by the Government from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions.

Public ferries.

96. (1) A District Board may, subject to such rules as may be prescribed by the Government, establish public ferries for the conveyance of passengers, vehicles, animals and goods.

(2)

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(2) No public ferry shall, after the commencement of this Act, be newly established or closed without the sanction of the Board and no person shall keep open a public ferry which has been entrusted to the charge of the District Board without a licence from the District Board.

(3) Whoever contravenes the provisions of this section shall, on conviction by a magistrate, be punished with fine which may extend to five hundred rupees.

Establish-
ment of
market, etc.

97. (1) No market and no
jātras, fairs, agricultural and cattle shows and exhibitions except those which are managed by Muzrai and other officers authorised by the Government in this behalf, shall be newly established in any area under the authority of a District Board or a Panchayet without the previous sanction of the Government which, in respect of an application by a Panchayet, will be accorded after previous consultation with the District Board concerned.

(2) The grant of permission under sub-section (1) shall be subject to such conditions, and restrictions as the Government may lay down generally or specially in the case of any particular institution or class of institutions.

(3) * * * *

(4) * * *

(3) Whoever contravenes the provisions of this section shall, on conviction by a magistrate, be punished with fine which may extend to five hundred rupees.

(4) If any question arises whether any place is a market or not, the Panchayet or the District Board concerned shall make a reference to the Government and the decision of the Government thereon shall be final.

98. Subject to the provisions of section 31, it shall be lawful for a District Board to notify that no place within the area under its authority shall, after sixty days from the date of such notification, be used for any one or more of the purposes specified in Schedule V, without a license from the President of the Board and except in accordance with the conditions specified therein.

Regulation of certain trades.

99. (1) All applications for licenses and permissions under this Part may be disposed of by the Chief Executive Officer of the District Board who may suspend or cancel a license granted for default of any of the conditions subject to which it was issued or given. When a license is granted, refused, suspended or cancelled by the Chief Executive Officer, any person aggrieved by his order, shall have the right of appeal to the Board within three months from the date of such order.

Grant of licenses.

(2) A license under this Part shall be granted only on payment in advance of a fee at such rates as may be prescribed.

(3) Whoever keeps open or uses, without a license or after a license is suspended or cancelled, any place for any purpose for which a license is required under this Part shall, if not punishable under any other section of this Act, be punished, on conviction by a magistrate, with a fine which may extend to one hundred rupees. He may also be punished with further fine which may extend to twenty-five rupees for every day on which such act is

continued after the date of conviction, or any subsequent date as may be fixed by the magistrate.

Prosecution
for offences.

100. The Chief Executive Officer may, if authorised by the Board, prefer complaints in respect of any public nuisance and may take proceedings for the recovery of any penalty and for the punishment of any person offending against the provisions of this Act or of any rule or regulation thereunder and the expenses of such prosecution or other proceeding shall be paid out of the District Fund:

Provided that no prosecution for an offence under this Act or under any rule or regulation thereunder, shall be instituted except within six months next after the commission of such offence.

Jurisdiction of
magistrates.

101. Any prosecution under this Part or under any rule or regulation relating to District Boards made under this Act may be instituted before any magistrate and every fine or penalty imposed under or by virtue of this Act or any regulation thereunder, and also all claims to compensation or other expenses, for the recovery of which no special provision is otherwise made in this Act, may be recovered, on application to such magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

Power to
compromise
and compound
offences.

102. (1) A District Board may—

- (a) compromise with any person who, in the opinion of the District Board, has committed an offence punishable under this Act or any rule or regulation thereunder and on such compromise, no proceedings shall be taken against such person in respect of such offence;
- (b) withdraw from prosecutions instituted under this Act or under any bye-law thereunder;
- (c) compound any offence against this Act or any rule or regulation made thereunder, which may, by rules made by the Government, be declared compoundable:

Provided that the Government may make rules to regulate the proceedings of persons empowered to compound offences under this section.

(2) Sums paid by way of composition under this section shall be credited to the District Fund.

103. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, any damage to the property of any District Board, shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty, and the value of the damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted. Such value shall be recoverable in the manner provided under Chapter X.

Damage to
any District
Board pro-
perty how
made good.

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CHAPTER IX.

FINANCE.

District Fund,
its custody
and invest-
ment.

104. (1) There shall be in each district, a fund which shall be called the District Fund, and be administered by the District Board of the district.

(2) It shall be lawful for a District Board to deposit at interest with the Government Savings Bank or with the sanction of the Government, in any Bank in the State, any surplus funds in its hands which may not be required for current charges and with the like sanction, invest such funds in securities of the Government of India or of the Government of Mysore or in such other securities as the Government may, from time to time, approve in this behalf, and vary such investment or dispose of such securities with the like sanction.

(3) The District Fund over and above what is invested as provided for in sub-section (2), shall be kept in the Government Treasury of the district.

Composition
of District
Fund.

105. The following shall form part of, or be paid into the District Fund :—

- (i) the balance of the District Fund and of the Rural Development Fund, if any, at the commencement of this Act;
- (ii) all rates, cesses, tolls, fees and penalties paid to or levied by or on behalf of the District Board under this Act, and all fines imposed by a magistrate under this Act or the regulations framed thereunder;
- (iii) all rents from lands or other properties of the District Board;
- (iv) all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise;
- (v) all proceeds of land and other property sold by the District Board including sale proceeds of grass and of the produce of trees not vested in private individuals on the sides of roads and on other

public ground under the control and administration of the District Board and of timber fallen or felled therefrom; and

(vi) all sums received by or on behalf of the District Board by virtue of this or any other Act.

106. (1) The Government shall * * * assign to a District Board an amount equal to six and a one-fourth per cent of the land revenue collected in the area within the jurisdiction of the District Board. Government to assign to District Boards certain revenues.

(2) The Government shall also * * * assign to all the District Boards in the State an amount equal to six and a one-fourth per cent of the land revenue collected in the State, the amount to be allotted to each District Board being such as the Government may from time to time determine.

(3) The Government shall further make over to the District Boards the entire cess on land revenue, excise and forest revenue excluding the cost of collection which shall be determined by joint consultation of the Government and District Boards.

(4) The amounts assigned and made over to a District Board under sub-sections (1), (2) and (3) may be credited to the District Fund once every year or in such other manner as may be prescribed.

(5) Subject to such rules as the Government may make in this behalf and with the previous approval of the Government, a District Board may alter the rate of levy of cess on land revenue or excise within the district.

(109) * * *

107. (1) Such portion of the following taxes namely :—

- (i) vehicle tax;
- (ii) road tax on lorries, buses and vehicles;
- (iii) service tax; and

(iv) revenue on registration of immoveable properties within the local limits of the District Board,

as may be assigned from time to time, by the Government to the District Board shall form part of and be paid into the District Fund.

Assignment of portions of other revenues to District Fund.

(2)

(2) Out of the portion of revenue assigned to District Boards under this section, each District Board shall be entitled to a part which is in the same proportion to the total amount so assigned as the length of the roads within the district, bears to the total length of roads within all the District Boards in the State.

111.

District Board property and District Fund how to be applied.

108. All property vested in the District Board under this Act, and all funds received by it in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force, shall be applied for expenditure as provided for in this Act :

Provided that all sums made over to or realised by a District Board for any specific purpose shall be applied solely for that purpose.

Application of District Fund and property.

109. The District Fund and all property held by or vested in the District Board under this Act, shall be applied subject to the provisions of this Act, for the payment of—

(a) travelling allowances to members of the District Board or any committee thereof subject to such rules as may be made in this behalf by the Government ;

(b) the salaries, allowances, pensions and gratuities of its officers and servants ;

(c) any amounts falling due on any loans contracted by the Board ;

(d) expenses incurred—

(i) for holding elections to the District Board under this Act ;

(ii) for the purposes specified in this Act ; and

(iii) all other purposes for which by or under this Act or the rules or regulations thereunder or any other law for the time being in force, powers are conferred or duties imposed upon the District Board ; and

- (iv) with the previous sanction of the Government for any other purpose for which the application of such property or fund is necessary in the public interest:

Provided that any funds granted to the District Board by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf.

110. (1) The District Board may levy, with the previous sanction of the Government and subject to such rules or orders as may be framed by the Government in this behalf, a tramway cess not exceeding six pies in the rupee on all items of revenue on which local cess is levied.

Power of District Board to levy tramway cess.

(2) The cess levied under sub-section (1) shall, unless it is required for immediate use, be deposited in the Government Savings Bank or in any other Bank approved by the Government or invested in securities approved by the Government.

(3) The cess and the interest or other income derived from its investment in a Bank or in securities or on construction of a tramway shall, except as provided in sub-section (4), be utilised subject to such rules or orders that may be framed by the Government, for all or any of the purposes specified below :—

- (a) for the construction, maintenance and management of tramways and other charges incidental thereto;
- (b) for discharging the loan or loans raised by the Board, for the construction of tramways and for payment of interest thereon and other expenditure, incidental thereto; and
- (c) for guaranteeing the payment of interest on capital expended on any tramway or other works which may directly improve the means of communication within the district or between the district and other districts.

(4) The whole or any portion of the cess or the interest or other income derived from investment thereof in a bank or in securities or on construction of a tramway with the previous approval of the Government and subject to such orders as may be made by them, be

utilised for the construction of new roads and bridges or for improvement works to existing roads and bridges in the district; provided it is not required immediately or in the near future for expenditure on the purposes specified in sub-section (3).

Explanation.—The expression ‘improvement works’ in this sub-section includes the widening of roads, the leveling of roads, the provision of improved surfacing to roads by treatment with cement, tar, bitumen and such other materials, and the doing of any other work in respect of roads including ordinary repairs essential to placing them in a proper state of repair.

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* * * * *

Rents and fees.

111. Subject to the regulations made in this behalf, a District Board may charge fees for any permission issued under this Act and levy rents and fees for the occupation or use of any road, land or other property placed under its control or vested in it or maintained out of the District Fund.

Agency for collection.

112. The local cess, the tramway cess and the special cess shall be collected by the departmental Government officers or establishments concerned, along with the principal items of revenue on which the cess is leviable. All other items of revenue shall be collected by such agency as the District Board appoints in this behalf with the approval of the Government, provided that it shall be lawful for a District Board to lease the right to levy tolls or any fee that may be imposed under this Act by public auction, subject to the rules prescribed, and the amount due under such lease shall be recoverable in the manner provided in Chapter X.

Power to expel persons who refuse to pay fees.

113. When any fee has been imposed under section 111 or the right to collect it has been leased under section 112, any person employed by the District Board or by the lessee to collect such fees may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable, any person who is liable to pay the fee but refuses to pay it.

114. It shall be lawful for a District Board, with the previous sanction of the Government and subject to the conditions imposed by them, from time to time, to raise loans for constructing a tramway or for the execution of any work or for the purpose of carrying out any of the provisions of this Act and to form a sinking fund for the repayment of such loans.

District Board may raise loans and may form a sinking fund.

115. Subject to the rules that may be made by the Government from time to time, a District Board may grant loans from the District Fund to encourage local arts and industries and recover the same in the manner provided in Chapter X.

Grant of loans to encourage local arts and industries.

116. Subject to the previous sanction of the Government, a District Board may make grants-in-aid to any medical, educational or charitable institution or any other institution of public utility, within or without the area under its authority, whether it be under public or private management.

Contribution to expenditure incurred by the Government and power to make grants-in-aid.

117. When a District Board has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any institution a yearly contribution from its property or from the District Fund, it shall be lawful for the District Board or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such contribution, provided that it shall have given at least one year's notice of its intention so to do to the manager or managers of such institution.

Arrangement purporting to be binding permanently or for a term of years.

118. Except as hereinafter provided, no payment of any sum shall be made out of the District Fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely :—

Prohibition of expenditure not budgeted for.

(a) Refunds of taxes and other moneys which the District Board is authorised by this Act or the rules made thereunder to make ;

(b) Repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the District Fund by mistake ;

- (c) Sums which the District Board is required or empowered by this Act to pay by way of compensation ;
- (d) Every sum payable,
 - (i) under this Act by order of the Deputy Commissioner or by order of the Government,
 - (ii) under a decree or order of a civil court passed against the District Board,
 - (iii) under a compromise of any suit or other legal proceedings or claim ;
- (e) Expenses incurred in the exercise of power conferred by regulations made under section 175 ;
- (f) All contributions payable by the District Board to the Government for the maintenance of water-supply, dispensaries and other institutions managed by the Government on behalf of the District Board or on behalf of any other local authority or authorities.

Presentation
of accounts.

119. (1) The Standing Committee shall have prepared and laid before the District Board at its ordinary meetings complete accounts of the receipts and expenditure of the District Board since the first day of April last preceding and at a meeting which shall be held between the first day of November and the first day of January, a complete account of the actual and expected receipts and expenditure for the official year ending on the thirtyfirst day of March next following together with a budget estimate of the income and expenditure of the District Board for the official year to commence on the first day of April next following.

(2) The District Board shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the District board shall be sent for approval to the Government through the Commissioner before such date as may be fixed by the Government.

If the budget is not returned by the Government within two months of the receipt thereof by the Government, the budget should be presumed to have been approved by the Government.

(3) In such budget estimate the District Board shall, among other things—

- a) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the District Board by this Act or any other law ;
 - (b) provide for the payment, as they fall due, of all instalments of principal and interest for which the District Board may be liable in respect of loans contracted by it ;
 - (c) provide for the payment of all sums payable to the Government under section 74 and of all contributions for the maintenance of water-supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the District Board and on behalf of any other local authority or authorities ;
 - (d) allow for a balance at the end of the said year of not less than such sum as may, from time to time, be fixed by the Government generally for all District Boards or specially for any District Board.
- (4) If the budget as submitted fails to make adequate provision for the obligatory duties of the District Board and is not otherwise in conformity with this Act, the Government may, in according sanction, modify any part of the budget so as to ensure that such provision is made and that the budget is in conformity with the Act.

120. If, in the course of the official year, the District Board finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government—

Revision of budget.

- (a) no reduction shall be made in the amounts allotted for the several items specified in clauses (b) and (c) of sub-section (3) of section 119; and
- (b) the closing balance shall not be reduced below the sum fixed under clause (d) of sub-section (3) of section 119.

Maintenance
of accounts
and restriction
on expendi-
ture.

121. (1) Accounts of the income and expenditure of the District Fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the District Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The District Board shall, at the first general meeting held after the audit of the past official year's accounts, pass such accounts.

Audit of
accounts.

122. (1) The District Fund accounts shall, from time to time, and once in every year at least, be audited by an auditor appointed by the Government and, with the previous sanction of the Government, also by such other agency, if any, as may be appointed by the District Board.

(2) The auditor or auditors shall, for the purposes of audit, have access to all the accounts and other records of the District Board.

(3) The District Board shall pay from the District Fund such charges for the audit as may be agreed upon and in the case of a Government auditor, such charges as may be prescribed by the Government.

Powers of
Government
auditor.

123. The Government auditor may—

(a) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(b) by written requisition require any person accountable for or having the custody or control of, any such document to appear in person before him; and

(c) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Duties of
Government
auditor.

124. (1) The Government auditor shall—

(a) as soon as may be after the completion of the audit, deliver to the Standing Committee a report upon the audit of the District Fund accounts;

(b) report to the Standing Committee and to the Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of money due to the District Board or in the District Fund accounts; and

(c) report to the Standing Committee and to the Commissioner any loss or waste of money or other property owned by or vested in the District Board caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste.

(2) The Standing Committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Standings
Committee
to remedy
defects.

125. (1) The Government auditor shall disallow every item contrary to law and report the same to the Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment.

Disallowance
by Govern-
ment auditor
and order by
Commis-
sioner.

(2) The Commissioner may, on the report of the auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been, but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

126. Any person aggrieved by the order of the Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge, and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge, with such orders as to costs as it may think proper in the circumstances; or in lieu of such application, the person so aggrieved may, within the like period, appeal to the Government who shall pass such orders as they think fit.

Appeal
against the
order.

Recovery of
amounts
disallowed.

127. Every sum certified to be due from any person by the Commissioner under this Act shall be paid by such person to the District Board within one month after the intimation to him of the said decision, unless within that time such person has appealed to the court or to the Government against the decision; and such sum, if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue along with the necessary expenses of such recovery and shall be credited to the District Fund.

Transmission
of accounts to
Government.

128. The District Board shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Government or such officer may, from time to time, direct.

Annual
Administra-
tion Report.

129. (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the President shall submit to the Government through the Commissioner, a report on the administration of the Board during the preceding official year in such form and with such details, as the Government may direct, with the resolution of the District Board thereon.

(2) The report may be published in such manner as the District Board, subject to the approval of the Government, may direct.

CHAPTER X.

RECOVERY OF DUES.

130. (1) When any sum not being a toll payable on demand—

Notice of demand for fee, cess or other dues.

(a) which by or under the provisions of this Act, is declared to be recoverable in the manner provided by this Chapter, or

(b) which is claimable as a fee, cess or other due under this Part or any rule or regulation under this Act,

shall have become payable and remains unpaid ten days after the same is due, the Chief Executive Officer of the District Board, or some person duly authorised by the President in writing in this behalf, may serve upon the person or persons liable to pay such sum, a notice in writing in the prescribed form.

(2) If such person does not within fifteen days from the service of such notice of demand upon him, pay the sum due, or show cause to the satisfaction of the Chief Executive Officer why the same should not be paid, the Chief Executive Officer or other person duly authorised by the Chief Executive Officer in writing in this behalf, may recover such sum, with all costs, by distrain and sale of the moveable property of the defaulter.

Distrain.

131. In order to effect the distrain and sale of property under sub-section (2) of section 130, the Chief Executive Officer or other officer duly empowered by him in this behalf, shall issue a warrant in the prescribed form and for each such warrant, a warrant fee of two annas shall be leviable.

Warrant for distrain.

132. The Chief Executive Officer or other person duly authorised as aforesaid, shall make an inventory of the property distrained, a copy of which shall, on demand, be delivered to the defaulter or any person on his behalf, and if the amount due is not paid within fifteen days after distrain, the property may be sold.

Inventory, and sale.

133. The Chief Executive Officer of the District Board shall give or cause to be given to every person making payment of a toll, fee, cess or other dues, a receipt

Receipts to be given for all payments of fees, etc.

therefor signed by him or some person duly authorised by him in that behalf. Such receipt shall specify—

- (1) the date of the grant thereof,
- (2) the name of the person by whom it is granted,
- (3) the toll, fee, cess or other dues in respect of which the payment has been made,
- (4) the period for which the payment has been made, and
- (5) the amount in respect of which it is granted.

Conditions
of distraint
and sale.

134. (1) Whenever, under the provisions of this Part any property is distrained, seized or sold in consequence of the non-payment of any fee, cess or other dues, not being a toll, such distraint, seizure and sale shall be effected subject to the provisions of the following sub-sections and of the section 62 of the Code of Civil Procedure, 1911.

Exemption
from distraint
and sale.

(2) All such property as is by the Code of Civil Procedure exempted from attachment or sale in execution of a decree shall be exempt from distraint or sale under this section.

(3) The distress shall not be excessive, that is to say, the property distrained shall be, as nearly as possible, proportionate to the amount due on account of the fee, cess or other dues and distraint fee and the probable expenses incidental to the detention and sale of the said property.

Perishable
property.

(4) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount due, in the opinion of the person seizing the property, exceed its value, the said person shall, immediately after seizure of such property, give notice to the person in whose possession it was when seized, to the effect that it will be sold at once, and shall sell it accordingly unless the amount due is forthwith paid.

Surplus sale
proceeds.

(5) Any surplus that may remain after deducting the amount of the fees, cesses or dues and of the said expenses, including the expenses of the sale, shall be returned on demand if made within six months to the owner of the property, or if no demand be made within such period, shall be credited to the District Fund.

(6) If any claim be set up by a third person to moveable property distrained under the provisions of this Chapter, the President shall admit or reject the claim on a summary enquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposed of as hereinbefore directed:

Provided that nothing in this sub-section shall be deemed to bar the claimant or any person having any interest in the property distrained, from seeking relief in a civil court having jurisdiction.

135. All arrears of fees, cesses and other sums due to a District Board at the time of the commencement of this Act, may be recovered by the District Board having authority over the district as though they had accrued under this Act. Recovery of arrears at the commencement of the Act.

136. Nothing herein contained shall preclude the institution of a suit for any amount due under this Act. Civil suit not barred.

137. No distraint shall be made and no suit shall be instituted in respect of any sum due to the District Board under this Act other than cesses collected under section 112 after the expiration of a period of three years from the date on which such distraint might have been made or suit might have been instituted, as the case may be, in respect of such sum. Recovery of amount due by suit not precluded.

PART IV—GENERAL.

CHAPTER XI.

CONTROL.

Commissioner for Local Self-Government. **138.** (1) The Commissioner for Local Self-Government shall be the chief controlling authority in respect of all matters relating to the administration of Village Panchayets and District Boards.

(2) The Government may, by notification in the *Mysore Gazette*, delegate to the Commissioner all or any of their powers under this Act except the power to make rules.

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Annual report of working of Panchayets. **139.** The Deputy Commissioner or such other officer as may be prescribed, shall submit annually to the Commissioner, a consolidated report on the working of the Panchayets of the district in such form as the Government may, from time to time, prescribe, and the Commissioner shall review the report and submit a copy of his review for the information of the Government.

Powers of Deputy Commissioner over Panchayets. **140.** The Deputy Commissioner, or such other officer as may be prescribed, may, by order in writing, require any Panchayet in his district to perform any duty, whether obligatory, discretionary or delegated under this Act, annul any proceedings which he considers to be not in conformity with law and may do all things necessary to secure such performance or conformity: provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to the Commissioner from the order of the Deputy Commissioner.

Deputy Commissioner to have access to books, etc., of Panchayets. **141.** (1) The Deputy Commissioner, or such other officer as may be prescribed, shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions.

(2) Any officer authorised by the Deputy Commissioner in this behalf, shall have power to inspect and examine the books, proceedings and records of a Panchayet or Panchayets in the district.

142. The Deputy Commissioner, or such other officer as may be prescribed, shall, in respect of Panchayets within his jurisdiction, have powers at all times—

Deputy Commissioner may inspect, call for reports, etc., from Panchayets.

(a) to enter on and inspect or cause to be entered on and inspected, any immoveable property occupied by, or any work in progress under the orders of, or any institution controlled by, a Panchayet;

(b) to call for and inspect, for the purposes of the Act, any document which may be in the possession or under the control of a Panchayet; and

(c) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit.

143. (1) When the Deputy Commissioner, or any officer prescribed in this behalf, is informed on complaint made or otherwise, that a Panchayet in the district has made default in performing any duty under section 23 and is satisfied after due enquiry that the Panchayet has been guilty of the alleged default, he may, by an order in writing, fix a period for the performance of that duty.

Powers of Deputy Commissioner to provide for performance of obligatory functions of Panchayets.

(2) If that duty is not performed within the period so fixed, the Deputy Commissioner or such other officer may appoint some person to perform it, and may direct that the expense of performing it with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Panchayet.

(3) If the expense and the remuneration are not so paid, the Deputy Commissioner or such other officer, may make an order directing the person having the custody of the Panchayet Fund to pay the expense and remuneration and such person shall be bound to comply with such order.

(4) A copy of the order passed under sub-sections (1), (2) and (3) shall, if passed by an officer other than the Deputy Commissioner, be sent to the Deputy Commissioner as soon as it is passed and if passed by the Deputy Commissioner to the Commissioner as soon as it is passed.

and it shall be within the discretion of the Deputy Commissioner or the Commissioner, as the case may be, to rescind or to modify the order.

Power of
Deputy Com-
missioner to
suspend
execution of
or prohibit
certain acts by
Panchayet.

144. (1) If, in the opinion of the Deputy Commissioner or such other officer as may be prescribed in this behalf, the execution of any order or resolution of a Panchayet in the district or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof.

(2) When an officer other than the Deputy Commissioner makes any order under this section, he shall forthwith forward a copy of the order to the Deputy Commissioner together with a statement of reasons for making it and when the Deputy Commissioner makes any such order, he shall forward a copy of the order and the statement to the Commissioner and it shall be in the discretion of the Deputy Commissioner or the Commissioner, as the case may be, to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit.

Powers of
Deputy
Commissioner
over Pancha-
yet in cases
of emergency.

145. (1) In cases of emergency, the Deputy Commissioner or any officer prescribed in this behalf, may provide for the execution of any work, or the doing of any act, which a Panchayet in the district is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public. He shall forthwith communicate his order with the reasons therefor to the Panchayet and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the panchayet.

(2) If the expense and the remuneration are not so paid, the Deputy Commissioner or such other officer may make an order directing the person having the custody of the Panchayet Fund to pay the expense and remuneration.

(3) Where the Deputy Commissioner uses powers given under this section, he shall report forthwith to the Commissioner every such case and where any officer other

than the Deputy Commissioner does so, he shall forthwith report to the Deputy Commissioner.

146. (1) If a Panchayet is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act or by or under any law, or exceeds or abuses its powers, the Deputy Commissioner of the District may, after giving such Panchayet an opportunity of being heard, declare, by an order published in the *Mysore Gazette*, with the reasons for making it, the Panchayet to be incompetent or in default or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order. Supersession
of Panchayets.

(2) When a Panchayet is so superseded, the following consequences shall ensue—

(a) all members of the Panchayet shall, as from the date of the order, vacate their office as such members;

(b) all powers and duties of the Panchayet may, during the period of supersession, be exercised and performed by such person or persons as the Deputy Commissioner, from time to time, appoints in that behalf;

(c) where a Panchayet is superseded, all property vested in it shall, during the period of supersession, vest in the Deputy Commissioner subject to all rights over, and all debts, liabilities and obligations, if any, affecting that property.

(3) On the expiration of the period of supersession specified in the order, the Panchayet shall be re-established by election and the persons who vacated their office under clause (a) shall not be deemed disqualified for election.

(4) If, after enquiry made, the Deputy Commissioner so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Deputy Commissioner for the re-establishment of the Panchayet:

Provided that such supersession shall not continue for more than one year at a time.

(5) An appeal shall lie to the Commissioner from an order of the Deputy Commissioner under this section.

(6) A further appeal shall lie to the Government from an order of the Commissioner passed under this section.

Appeals from
orders of or
relating to
Panchayets.

147. (1) Save as otherwise provided for in this Act, an appeal shall lie from an order of the Panchayet to the Deputy Commissioner of the district or to such other officer as may be prescribed and shall be preferred within thirty days of the date of publication or communication of the order. The decision of the Deputy Commissioner shall be final.

(2) Appeals to the Commissioner or the Government when expressly allowed under this Act, in respect of Panchayets shall be preferred within ninety days of the date of publication or communication of the order from which the appeal is made.

Disputes
between
Panchayets.

148. (1) If a dispute arises between two or more Panchayets in the same taluk, the matter shall be referred to the Deputy Commissioner or such other officer as may be prescribed in this behalf for decision.

(2) If a dispute arises between two or more Panchayets which are within the same district but which are in different taluks, the matter shall be referred to the Deputy Commissioner and the decision of the Deputy Commissioner thereon shall be final.

(3) If a dispute arises between two or more Panchayets in different districts, the matter shall be referred to the Commissioner for decision and the decision of the Commissioner thereon shall be final.

Disputes
between a
municipal
council and
a Panchayet.

149. (1) If a dispute arises between a municipal council not being a City Municipal Council and a Panchayet within the same district, the matter shall be referred to the Deputy Commissioner; and the decision of the Deputy Commissioner thereon, shall be final.

(2) If a dispute arises between a City Municipal Council and a Panchayet or between a Municipal Council and a Panchayet in different districts (or between a District Board and a Panchayet) the matter shall be referred to the Government; and the decision of the Government thereon shall be final.

150. Where a Panchayet has been established under this Act, for a village or villages under the control of a Town or Sanitary Board, constituted under any law for the time being in force, the powers that may be exercised by a Deputy Commissioner shall be exercised by such other person or persons as may be prescribed :

Panchayets within town or sanitary board areas.

Provided that nothing in this Act, shall affect the powers that are exercised by a Town or Sanitary Board in respect of the control of epidemics in the area under its control.

151. (1) When any matter has been decided by the Commissioner on appeal under sub-section (2) of section 43, section 140 or sub-section (5) of section 146, or sub-section (4) of section 165 or on reference under sub-section (3) of section 148, the Government may, for the purpose of satisfying themselves as to the correctness, legality or propriety of his order, call for the connected records and may, in doing so, direct that, pending the examination of the records, such order, be held in abeyance.

Power of Government to call for records in the case of appeals decided by Commissioner.

(2) On examining the records, the Government may reverse or modify the order of the Commissioner as they deem fit.

152. The Government may, by order in writing, amend any proceedings or resolutions of a District Board which they consider to be not in conformity with the provisions of this Act and the rules or regulations in force thereunder, and may do all things necessary to secure such conformity.

Power of Government to amend proceedings of District Boards.

153. Subject to such rules as the Government may from time to time frame in this behalf, the Commissioner shall have power—

Inspection of offices of District Boards.

(a) to inspect the office of any District Board;

(b) to call for records of any District Board,

either on his own motion or on the application of an aggrieved party and to submit the same with his opinion to the Government for such orders as they deem fit to pass, if he is satisfied that the order or proceeding of the District Board or its executive is contrary to law.

Deputy
Commissioner's
power of
supervision.

154. (1) The Commissioner shall have power to supervise the proceedings of the District Boards and of the several committees of the District Boards and in the exercise of that power, may (among other things),—

- (a) enter on and inspect or cause to be entered on and inspected, any immoveable property occupied by the District Board or a committee, or any work in progress under its direction; and
- (b) call for and inspect for the purposes of this Act any document which may be in the possession, or under the control of a District Board or a committee; and
- (c) require the District Board or a committee to furnish such statements, accounts and reports as he thinks fit.

(2) Where a Joint Committee is appointed by the District Boards of two or more districts, the Commissioner may exercise a like power in respect of the proceedings of that committee.

Powers to
suspend
execution of
orders, etc.

155. (1) If, in the opinion of the Commissioner, the execution of any order or resolution of a District Board or a committee, or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, is likely to cause injury or annoyance to the public or to any class or body of persons or to lead to a breach of the peace or is unlawful, he may, by order in writing, suspend or prohibit the execution thereof

(2) When the Commissioner makes any order under this section, he shall forthwith forward to the Government a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government, after affording the Board reasonable opportunities for stating its case, to rescind the order, or to direct that it continues in force with or without modification, permanently or for such period as they think fit.

Extraordinary
powers of
Deputy
Commissioner
in cases of
emergency.

156. (1) In cases of emergency, the Deputy Commissioner after intimation to a District Board to execute any work or do any act which a District Board is empowered to execute or do under sub-section (1) of section 86 and the immediate execution or doing of which is in his

opinion necessary for the safety of the public, within a time to be specified by him and on failure of the District Board to execute such work or do such act, may provide for the execution of such work or the doing of such act and direct that the expense of executing the work or doing the act with a reasonable remuneration to the person appointed to execute, or to do it, shall be paid by the District Board.

(2) If the expense and the remuneration are not so paid, the Deputy Commissioner may make an order directing the person having the custody of the District Fund to pay the expense and remuneration and such person shall be bound to comply with such order.

(3) The provisions of sub-section (2) of section 155 shall apply, so far as may be, to any order made under this section in the same manner and to the same extent as if it were an order of the Commissioner.

157. (1) When the Government is informed on complaint made or otherwise, that a District Board has made default in performing any duty imposed on it by or under this Act or by or under any enactment for the time being in force, the Government, if satisfied after due enquiry, that the District Board has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

Power to provide for performance of duties in default of District Board.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be paid by the District Board.

(3) If the expense and the remuneration are not so paid, the Government may make an order directing the person having the custody of the District Fund to pay the expense and remuneration and such person shall be bound to comply with such order.

158. (1) If a District Board is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act, or otherwise by law, or exceeds, or abuses its powers, the Government may, by an order published, with the reasons for making it, in the *Mysore Gazette*, declare the District

Supersession of District Boards.

Board to be incompetent, or in default, or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order.

(2) When a District Board is so superseded, the following consequences shall ensue:—

Consequences
of supersession
of District
Boards.

(a) all members of the District Board shall, as from the date of the order, vacate their office as such members;

(b) all powers and duties of the District Board may, during the period of supersession, be exercised and performed by such person or persons as the Government, from time to time, appoint in that behalf;

(c) all property vested in the District Board shall, during the period of supersession, vest in the Government subject to all rights over and all debts, liabilities and obligations, if any, affecting that property.

(3) On the expiration of the period of supersession specified in the order, the District Board shall be re-established by * * * election, and the persons who vacated their offices under clause (a) shall not be deemed disqualified for * * * election:

Provided that such supersession shall not continue for more than one year at a time.

Disputes
between
District
Boards.

159. (1) If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more District Boards, or between a District Board and one or more municipal councils, the matter shall be referred to the Government whose decision shall be final.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

Powers of
Government,
Commissioner
and Deputy
Commissioner
over sub-
ordinates.

160. In respect of officers employed by a District Board the Government and the Commissioner, and in respect of officers employed by a Village Panchayet the Government, the Commissioner and the Deputy Commissioner concerned shall exercise the same authority and control which they or he exercises over their or his subordinates of corresponding status in the general and revenue administration.

161. (1) If the circumstances of any district or part of a district or any village or part of a village are in the opinion of the Government such that all or any of the provisions of this Act are unsuited thereto, the State Government may, by notification in the *Mysore Gazette*, exempt the district or part of the district or village or part of the village from the operation of these provisions and thereupon these provisions shall not apply to the exempted district, village or part of the district or village until again applied thereto by a subsequent notification of the Government.

Power under special circumstances to exempt district from operation of Act.

(2) While any notification under the former part of sub-section (1) of this section is in force, the Government may make rules to provide for any matter dealt with by the provisions of this Act to which the notification applies. Such rules when published in the *Mysore Gazette*, shall have the force of law.

Power to make rules in relation to notification under sub-section (1).

162. If any member of a District Board or any officer or servant maintained by or employed under a District Board has directly or indirectly any share or interest in any work done by order of the Board of which he is a member or by which he is maintained or under which he is employed or in any contract with or under such Board, he shall be liable on conviction, before a magistrate, to a fine, not exceeding five hundred rupees :

Penalty for member, officer or servant of a District Board having an interest in any contract, etc., with that Board.

Provided that no person shall be convicted under this section by reason only of such person—

- (a) having a share in any Joint-Stock Company or a share or interest in any literary association registered under the Societies Registration Act, 1904, or in any society registered under the Mysore Co-operative Societies Act, 1948, which shall contract with or be employed by or on behalf of the District Board, or
- (b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the District Board may be inserted, or
- (c) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the District Board, or

(d)

Restrictions
with respect
to actions
against
District
Board.

163. (1) No action shall be brought against any District Board, or any of its officers, or any person acting under its direction, for anything done or purporting to be done under this Act, until the expiration of two months next after notice in writing, shall have been delivered or left at the office of the Board or at the place of abode of such person; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed, and the name and the place of abode of the intending plaintiff.

And every such action shall, unless it is an action for the recovery of immoveable property or for a declaration of title thereto, be commenced within eight months next after the accrual of the cause of action and not afterwards.

(2) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

(3) (a) No civil court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Act, or for the recovery of any sum of money collected under the authority of this Act, or for damages on account of any assessment or collection of money under the said authority, if the provisions of this Act have been in substance and effect complied with.

(b) No suit or other legal proceedings shall lie against any member, officer, servant or agent of a District Board acting under its direction, in respect of anything done lawfully and in good faith under this Act or any rule made thereunder.

Institution of
legal proceed-
ings against
Panchayet
member,
officer,
servant or
agent and bar
of certain
suits.

164. (1) (a) No suit shall be brought against any Panchayet or any member, officer, servant, or agent thereof acting under its direction, in respect of any act purporting to be done in its or his official capacity, until the expiration of two months next after notice in writing has been, in the case of a Panchayet, left or delivered at its office and in the case of a member, officer or servant, delivered to him or left at his office or place of residence. The notice shall state the cause of action, the name and place of residence of the intending plaintiff, and the relief which he claims. The plaint shall contain a statement that such notice has been so delivered or left.

(b) Every such action shall be dismissed unless it is instituted within eight months after the accrual of the alleged cause of action. * * *

(c) When the suit is against a member, officer, servant or agent of a Panchayet, the Deputy Commissioner shall determine whether the defence of the suit should be undertaken by the Panchayet and paid for out of the Panchayet Fund.

(2) (a) No civil court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Act, or for the recovery of any sum of money collected under the authority of this Act, or for damages on account of any assessment or collection of money under the said authority, if the provisions of this Act have been in substance and effect complied with.

(b) No suit or other legal proceedings shall lie against any member, officer, servant or agent of a Panchayet acting under its direction, in respect of anything done lawfully and in good faith under this Act or any rule made thereunder.

165. (1) Every person in possession of moneys, accounts, records or other property appertaining to a Panchayet shall, on the requisition in writing of the Deputy Commissioner for this purpose, forthwith hand over such moneys or deliver up such accounts, records or other property to the Chairman of the Panchayet or other person authorised in the requisition to receive the same. Deputy Commissioner's right to requisition records, etc.

(2) * * *

(2) The Deputy Commissioner of the District may also take steps to recover any money due by such person in the same manner and subject to the same rules as are laid down in the Mysore Land Revenue Code, 1885, for the recovery of arrears of land revenue from defaulters; and for the purpose of recovering the accounts, records or other property appertaining to the Panchayet, may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1904.

(3) Every person knowing where any moneys, accounts, records or other property appertaining to a Panchayet are

cancelled, shall be bound to give information of the same to the Deputy Commissioner.

(4) An appeal, shall lie to the Commissioner from the order of the Deputy Commissioner under this section.

Acquisition of land.

166. Where any land is required for the purpose of this Act, the Government may, at the request of a District Board or Panchayet, and on the recommendation of the Deputy Commissioner, proceed to acquire it under the provisions of the Mysore Land Acquisition Act, 1894; and on payment by the District Board or Panchayet of the compensation awarded under that Act, and the charges incurred by the Government in connection with the proceedings, the land shall vest in the District Board or Panchayet, as the case may be.

Obstructions and encroachments upon public streets and open spaces.

167. (1) Whoever shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure or thing, or other encroachment or obstruction, in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, vested in a District Board, or in, or over, or upon, any open drain, gutter, sewer or aqueduct in such street, shall, on conviction by a magistrate, be punished with fine which may extend to fifty rupees.

(2) The District Board shall have power to remove any such obstruction or encroachment, and shall have the like power to remove unauthorised obstruction or encroachment of the like nature in any open space vested in or under the control of the District Board, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment; and shall be recoverable in the manner provided in Chapter X.

(3) Nothing contained in this section shall prevent the District Board allowing any temporary occupation of or erections in, any public street on occasions of festivals and ceremonies, and in such manner, as not to inconvenience the public or any individual.

(4) Nothing contained in this section shall apply to any projection duly authorised by the District Board or in any case where permission has been given under sub-section (3) of this section.

CHAPTER XII

MISCELLANEOUS.

168. Every member of a Panchayet or District Board and every officer and servant, maintained by or employed under a Panchayet or District Board, shall be deemed to be a public servant within the meaning of the section 21 of the Indian Penal Code.

Application of term "public servant" to members of Panchayets and District Boards and their officers and servants.

169. (1) Whoever, in any area within the jurisdiction of a Panchayet—

Punishment for offences under this Act and powers to compound.

- (a) erects, alters, adds to or reconstructs a building without the written permission required by section 29 or in contravention of any of the conditions imposed by it ;
- (b) uses any place for an offensive or dangerous trade without a license required by section 31 or contrary to the conditions imposed therein ; or
- (c) disobeys an order issued under sub-section (3) of section 34 ; or
- (d) commits any other offence under this Act or such rules thereunder as are notified by the Government as being punishable under this section ;

shall, on conviction before a magistrate, be punished with fine which may extend to fifty rupees, and in the case of a continuing offence with a further fine which may extend to five rupees for every day after conviction during which he continues so to offend.

(2) A Panchayet may—

- (a) accept by way of compensation a sum of money not exceeding fifty rupees from any person who, in the opinion of the Panchayet, has committed any of the aforesaid offences, and on such compromise, no proceeding shall be taken against such person in respect of such offence ;
- (b) compound for a similar sum any of the aforesaid offences or any offences under this Act, which may, by rules made by the Government, be

declared compoundable, or withdraw from the prosecution instituted under this Act or any rule thereunder.

(3) All fines imposed by a magistrate under this section or the rules or bye-laws in respect of Panchayets made under this Act shall be recovered and credited to the Panchayet Fund.

Panchayet
may pro-
secute.

170. A Panchayet may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any person offending against the provisions of this Act, or of any rule or bye-law made thereunder relating to Panchayets and may order the expenses of such prosecutions or other proceedings to be paid out of the Panchayet Fund:

Provided that no prosecution for an offence under this Act, shall be instituted more than six months after the commission of such offence.

Form of
notices.

171. All notices given or issued under the provisions of this Act shall be in writing.

Method of
serving
document.

172. (1) When any notice or other document is required by this Act or by any rule or order made under it to be served on, or sent to, any person, the service or sending thereof, may be effected—

(a) by giving or tendering the said document to such person; or

(b) if such person is not found, by leaving such document at his last known place of residence or business, or by giving or tendering the same to some adult member or servant of his family; or

(c) if such person does not reside in the village and his address elsewhere is known to the Secretary of a Panchayet or the Chief Executive Officer of a District Board, by sending the same to him by post registered; or

(d) if none of the means aforesaid be available, by fixing the same in some conspicuous part of his last place of residence or business.

* * *

In the case of joint-owners and occupiers, it shall be sufficient to serve the notice or other document on, or send it to any one of such owners or occupiers.

(3) Whenever in any bill, notice or other document served or sent under this Act or the rules thereunder, a period is fixed within which any tax or other sum is to be paid or any work executed, or anything provided, such period shall, in the absence of any distinct provision to the contrary in this Act or the rules thereunder, be calculated from the date of such service or sending.

173. (1) The Government may make rules or orders to carry out all or any of the purposes of this Act and prescribe forms for any proceeding for which they consider that a form should be provided. Powers to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, they shall have power to make rules or orders.

A. For Panchayets—

- (a) with reference to all matters expressly required or allowed by this Act to be prescribed;
- (b) for giving intimation of vacancies in the offices of Chairman and members of a Panchayet for fixing time within which elections shall be held for filling such vacancies, and generally for regulating all elections under this Act and determining the authority who shall decide disputes relating to such elections;
- (c) regulating the establishment of the Panchayets and their powers to acquire, hold and transfer property and to enter into contracts; and regarding
- (d) the powers that may be exercised by the Chairman;
- (e) the grant of leave to the Chairman and Secretary and for the conduct of business during their absence;
- (f) the levy of taxes, cesses, rates, fees or other dues under this Act; their assessment and recovery, including the procedure to be adopted during distraint, sale, etc.

- (g) the accounts to be maintained by Panchayets, the audit and publication of such accounts, and the arrangements to be made for the lodging and custody of the Village Fund;
- (h) the returns, statements and reports to be submitted by Panchayets;
- (i) the preparation and sanction of the estimates of receipts and expenditure of Panchayets;
- (j) the manner in which notifications and orders under this Act shall be published;
- (k) instructions for the guidance of the controlling authorities in exercising the powers delegated to them;
- (l) the powers and functions of Inspectors of Panchayets in regard to the administration of Panchayets;
- (m) the class of magistrates by whom offences under this Act or the rules thereunder shall be tried;
- (n) the settlement of differences or disputes between any two Panchayets or between a Panchayet or any other local authority in regard to any matters arising for decision under this Act.

B. For District Boards—

- (a) with reference to all matters expressly required or allowed by this Act to be prescribed;
- (b) with reference to all matters relating to elections; and regarding
- (c) the remuneration and allowances, if any, of members Presidents and Vice Presidents, the conditions under which and the rates at which payment of travelling expenses shall be made;
- (d) the submission of resolutions on questions connected with the administration of the district;
- (e) the intermediate offices, if any, through which, correspondence between District Boards and the Government or Government officers shall pass;
- (f) the conditions on which property may be acquired or transferred by District Boards;
- (g) the mode of payment from the District Fund and the authority under which the District Fund shall be expended;
- (h) the conditions on which grants-in-aid shall be paid from the District Fund;

- (i) the raising of loans by District Boards and the grant of loans for the encouragement of local arts and industries;
- (j) the levy of tolls, fees and cesses, remissions and exemptions to be granted and the writing off of irrecoverable arrears;
- (k) the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of District Boards and the power of the District Boards or the Government officers to accord technical or administrative sanction to estimates;
- (l) the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom;
- (m) the estimates of receipts and expenditure, returns, statements and reports to be submitted by District Boards;
- (n) the mode in which the officers of the Government shall advise and assist District Boards in carrying out the purposes of this Act;
- (o) the recruitment of officers and servants and their qualifications and with regard to control, transfer, punishment or dismissal of officers and servants of District Boards and with regard to the pay, leave, pension and other privileges of such employees;
- (p) the guidance generally of District Boards, Committees, Joint Committees, and Government officers in all matters connected with the administration of this Act and not herein specifically provided for; and
- (q) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date, as may be fixed by the magistrate.

(3) All rules made by the Government under this Act shall be published in the *Mysore Gazette* both in English and in Kannada.

Power of
Panchayet to
make
bye-laws.

174. (1) Subject to the provisions of this Act and any rules made in this behalf by the Government, a Panchayet may make bye-laws in respect of the following matters:—

- (a) regarding the time, place and the conduct of meetings of Panchayets;
- (b) regarding the appointment of the officers and servants of the Panchayets and their salaries, allowances, pensions, gratuities, transfers and punishments (except Secretary);
- (c) regulating the conservancy of villages;
- (d) providing for the protection and periodical examination of wells and water-supply in villages;
- (e) defining and prohibiting public nuisances in villages;
- (f) improving the sanitation of villages in other similar respects; and
- (g) regulating the grant of permission to erect buildings and the conditions and terms that may be imposed;
- (h) providing for the management of minor muzrai institutions;
- (i) providing for the levy of profession tax and the rate or rates therefor;
- (j) providing for management of shandies, fairs, and other forms of entertainment;
- (k) regulating the use of water for drinking purposes and sources thereof;
- (l) regulating the discharge of water from drains or from premises;
- (m) preventing damage to public streets and Panchayet property;
- (n) regulatiug drainage generally;
- (o) regulating the use of public streets or other public places by shop-keepers; and
- (p) regulating the use of tanks, ponds, gomai, play-grounds, bathing and other public places.

(2) Any bye-laws made by a Panchayet shall be subject to the previous approval of the Commissioner and shall take effect on publication in such manner as may be approved by the Government and any person who

contravenes any bye-laws made by a Panchayet shall, on conviction before a magistrate, be punished with fine not exceeding twenty rupees for each offence and in case of a continuing offence with a further fine which may extend to two rupees for every day on which such contravention is continued after the date of conviction, or any subsequent date as may be fixed by the magistrate.

175. (1) A District Board may, from time to time, and subject to the provisions of this Act and to such rules as may be prescribed by the Government in this behalf and with the previous sanction of the Government, make regulations,—

Power of District Board to make regulations.

- (a) for the general or special regulation, inspection, and control of musafir khanas, travellers' bungalows, rest houses, cart-stands, bus-stands, markets, slaughter-houses, hotels, bakeries, sweetmeat shops, all other places used for the sale of articles intended for human food or drink, all places used for animals which are for sale or hire or the produce of which is sold and all places used for the purposes specified in Schedule III and for regulating the conduct of business in any of the places aforesaid so as to secure cleanliness therein and the wholesomeness of the articles prepared, kept or sold or to minimise any injuries, offensive or dangerous effects arising or likely to arise therefrom;
- (b) (i) for regulating all matters connected with sanitation;
- (ii) for empowering the President or any person authorised by the Board to enter upon and to inspect any building or land and to require that it shall be kept in a sanitary condition;
- (c) (i) for regulating the use of and the prevention of nuisances in regard to public water-supply, bathing and washing places, streams, channels, tanks and wells;
- (ii) for requiring private sources of water-supply used by the public or any section of the public to be kept in good repair, improved or protected from pollution and for payment from the District Fund of a portion or the whole of the expenses incurred for the purposes;

- (iii) for setting apart, with the consent of the owner in the case of private sources of water-supply, and of the Government in the case of those under the control of the Government, for a specified purpose, springs, tanks, wells, water sources and other places, and prohibiting their use for any other purpose or purposes;
- (d) (i) for regulating prevention of the nuisances affecting the health, safety or convenience of the public;
- (ii) for requiring that any pool, ditch, tank, pond, well, hole, or any waste or stagnant water, any channel or receptacle or foul water or other offensive or injurious matter which is likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood be cleansed, filled up, drained off or removed or proper measures be taken to abate or remove the nuisance;
- (e) (i) for regulating the prevention and spread of dangerous diseases;
- (ii) for prohibiting the use of any source of water supply, whether private or public, during epidemics;
- (iii) providing for the inspection of persons, travelling by railway or otherwise and the segregation in a hospital or any other place set apart for the purpose, of persons suspected of being infected with any epidemic disease, or for such other measures as may be deemed necessary to prevent the outbreak of such disease or the spread thereof;
- (iv) for empowering the President or any person duly appointed by the Board to enter into any building or premises in which any dangerous infectious disease is reported or suspected to exist, to require the owner or occupier of such building or premises to cleanse or disinfect the same or, where immediate action is necessary, to have such building or premises cleansed or disinfected and to recover the whole or any part of the expenses so incurred from such owner or occupier or to remit the same in deserving cases;
- (v) for requiring that articles of clothing or bedding or other articles exposed to infection from dangerous infectious diseases be washed or disinfected at places notified by the District Board; and for

destroying such articles as are likely to retain infection paying compensation for articles so destroyed ;

(f) for regulating the use of public roads and the traffic thereon ; for the temporary occupation or use of public roads and land vested in the Board ; and for securing cleanliness, safety and order in respect of the same ;

(g) for defining the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which any license or permission under this Act may be granted, refused, suspended or withdrawn and fixing the fees payable in respect of such permission and the rents, fees and other charges to be levied for the use of any of the places specified in clause (a) or other property belonging to the District Board ;

(h) for providing for—

(i) the establishment of public ferries and their management ;

(ii) the issue of permission for plying ferry boats, the conditions on or subject to which such permission may be granted and the fees payable in respect of such permission ;

(iii) the rates of fees that may be levied on passengers' vehicles, animals, goods or the loads that may be carried in any public ferry boat ;

(iv) the safe, speedy, and convenient carriage and landing of passengers and property ;

(v) the maintenance of ferry boats in good order and the employment of competent men for working them ;

(vi) the inspection of the ferries and the ferry boats ; and

(vii) otherwise for the due discharge of their duty by ferrymen and other persons employed at a public ferry ; and

(viii) with respect of the conduct of business of District Boards and committees and to the interpellation of the President by the members and to the moving of resolutions at meetings of District Boards ;

(ix) the delegation of powers of the President, the Vice-President or other officers or members or committees ;

(2) Any person who contravenes any regulation made under this section shall, on conviction before a magistrate, be punished with fine not exceeding fifty rupees for each offence and in case of a continuing offence with a further fine which may extend to ten rupees for every day on which such contravention is continued after the date of conviction, or any subsequent date as may be fixed by the magistrate.

Transitory provision relating to existing Panchayets and District Boards.

176. (1) Until a District Board has been duly constituted under this Act, the body functioning as the District Board in that district immediately before the commencement of this Act, shall be deemed to be a District Board constituted under this Act and shall exercise the powers and perform the duties conferred on a District Board by or under the provisions of this Act.

(2) Until a Panchayet has been duly constituted under this Act, the body functioning as a Village Panchayet for a village or group of villages before the commencement of this Act, shall be deemed to be the Panchayet constituted under this Act for that village or those villages and shall exercise the powers and perform the duties conferred on a Panchayet by or under the provisions of this Act.

Saving of rules and bye-laws.

177. (1) Any rules made or orders passed by the Government and bye-laws or orders made by a Village Panchayet which were in force immediately before the commencement of this Act, shall, subject to the provisions of this Act, continue in force, as if made or passed under this Act.

(2) Any rules made or orders passed by the Government and any bye-laws or orders made by a District Board which were in force immediately before the commencement of this Act, shall, subject to the provisions of this Act, continue in force, as if they were rules made, or orders passed by the Government or regulations made by a District Board under this Act.

Repeal of Mysore Acts II and III of 1926.

178. The Mysore Village Panchayet Act, 1926, and the Mysore District Boards Act, 1926, are hereby repealed :

Provided that—

- (a) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the aforesaid Acts or rules or bye-laws or orders thereunder ;
- (b) any appointment, notification, notice, order, scheme, license, permission, rule, bye-law, form, tax, fee, cess or rate, made, issued, given or imposed, contracts entered into and suits and other proceedings instituted under the aforesaid Acts or rules, bye-laws or orders thereunder, shall, so far as may be, be deemed to have been made, issued, given, imposed, entered into and instituted under this Act ;
- (c) the assets and liabilities of the aforesaid District Boards and Panchayets in such district, village or group of villages shall, subject to such conditions as may be imposed by the Government, devolve on the District Board or Panchayet constituted or continued under this Act ; provided that any funds set apart for a specific purpose by the aforesaid Boards or Panchayets, shall not be diverted for any other purpose, without the consent of the District Board or Panchayet thus constituted or continued.

SCHEDULE I.

MAXIMUM RATES OF TAX LEVIABLE ON HOUSES, SHOPS, PLACES OF TRADE OR BUSINESS, VACANT SITES AND *Hittals* AND CARTS.

(See section 39).

A. House Tax.

		Per annum.	
		Rs.	a. p.
Rs.	Rs.		
Class A—Buildings of the value not exceeding ...	25	...	0 4 0
Class B—Buildings of the value exceeding	25	But not exceeding 50	0 8 0
Class C Do ...	50	200	1 0 0
Class D Do ...	200	400	2 0 0
Class E Do ...	400	600	3 0 0
Class F Do ...	600	800	4 0 0
Class G Do ...	800	1,000	5 0 0
Class H Do ...	1,000	1,500	7 8 0
Class I Do ...	1,500	...	10 0 0

B. Shop Tax.

		Rs. a. p.	
1. Wholesale shop (Mandi)	1st Class...	25 0 0	each
	2nd " ...	20 0 0	"
	3rd " ...	15 0 0	"
	4th " ...	10 0 0	"
2. Other shops	1st " ...	25 0 0	"
	2nd " ...	10 0 0	"
	3rd " ...	6 0 0	"
	4th " ...	4 0 0	"
	5th " ...	2 0 0	"
	6th " ...	1 0 0	"

C. Tax on Places of Trade or Business.

		Rs. a. p.	
Other shops	1st Class ...	25 0 0	each
	2nd " ...	20 0 0	"
	3rd " ...	15 0 0	"
	4th " ...	10 0 0	"
	5th " ...	6 0 0	"
	6th " ...	4 0 0	"
	7th " ...	2 0 0	"
	8th " ...	1 0 0	"

D. Cart Tax.

		Rs.	a.	p.	
Single bullock-carts, Waddara bandis	...	1	0	0	each
Double bullock-carts	...	2	0	0	..

E. Tax on Vacant Sites and Hittals.

1 Village site land occupied by house and back-yard attached thereto, when the area occupied exceeds ten guntas in the Maidan parts and 20 guntas in the Malnad.	For the area in excess of 10 guntas in the Maidan parts and 20 guntas in the Malnad.	} Annas four per one hundred square yards.
2. Other occupied land not being a Revenue Survey number left vacant within the village site, whether it is a building site or land ordinarily used for purposes of agriculture.	For the whole area.	

SCHEDULE II

PROFESSIONS IN RESPECT OF WHICH PROFESSION TAX MAY BE
LEVIED WITH THE MAXIMUM TAX LEVIABLE.

(see section 41.)

CLASS I.

yearly.

Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to one thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to one thousand rupees a month or upwards :—	Rs.
(i) abkari renters, wholesale and retail traders, and manufacturers of every kind, contractors, auctioneers and commission agents;	
(ii) bankers, money-lenders, money-changers and pawn-brokers;	
(iii) editors and proprietors of newspapers;	
(iv) brokers and dealers in securities, shares or bills of exchange;	
(v) practising, advocates, pleaders, and law-agents;	
(vi) practising medical practitioners of all kinds including hakims and vaidyas;	50
(vii) dentists and veterinary surgeons;	
(viii) architects and civil engineers;	
(ix) owners and farmers of markets;	
(x) keepers of hotels, lodging houses, or boarding houses;	
(xi) builders and surveyors;	
(xii) owners of mills, warehouses, printing presses, oil presses, cotton presses and other presses and factories of all kinds;	
(xiii) professional artists, photographers, actors and owners or managers of circuses or theatrical companies, musicians and dancers;	
(xiv) dealers in animals or vehicles, and owners, or keepers of livery stables or hackny carriages;	
(xv) artisans.	

CLASS II.

Every person described in class I whose pay, salary or pension amounts or whose income is estimated to amount to five hundred rupees a month or upwards

... 25

CLASS III

Yearly

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to three hundred rupees a month or upwards ... 12

CLASS IV.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to two hundred rupees a month or upwards ... 8

CLASS V.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to one hundred rupees a month or upwards ... 4

CLASS VI.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to rupees fifty a month or upwards ... 2

CLASS VII.

Every person described in class I whose pay, salary or pension amounts or whose income is estimated to amount to thirty rupees a month or upwards ... 1

NOTE.—The foregoing classification is subject to the following provisos, namely :—

PROVISO 1.—No owner of a cotton press shall be placed in any class below class II.

PROVISO 2.—No wholesale trader, banker, advocate, architect, civil engineer, mill-owner or factory-owner shall be placed in any class below class III.

PROVISO 3.—No abkari renter (other than a mere liquor shop-keeper), editor or proprietor of a newspaper, broker or other dealer in securities, shares or bills of exchange, and no pleader, medical practitioner (other than a hakim or vaidya), dentist or veterinary surgeon shall be placed in any class below class IV.

PROVISO 4.—No auctioneer, money-lender, owner or farmer of a market, keeper of a hotel, lodging-house, boarding-house and no builder, surveyor or owner of a warehouse or press (other than a cotton press or oil press), shall be placed in any class below class V.

SCHEDULE III.

(See section 42).

MAXIMUM RATES OF TAXES ON SHANDIES, FAIRS AND FESTIVALS

PART I.

FEES ON CATTLE.

- (1) On every cattle-head brought for the cattle show (except in the case of young calves) ... 0 8 0
- (2) On every head of chaught bullocks passing into the precincts of the cattle show ... 0 8 0

PART II.

Tax on shop sites.

Block I.—

From the circle in Basavapatna Road to a distance of fifty yards on the east of the Road, fifty yards on the west, that is, in front of the Rest House, on the south, the entire Basavapatna road leading to Inspection Lodge;

The entire area may be grouped under class I, and a tax of Rs. 8 per square yard may be levied.

From the channel bridge upto some yards on both side of the eastern and western roads.

Block II.—

The road in front of Sri Rameswara Temple, that is, (in car Street) up to Aswathakatte in the Road leading to the Brahmins' Street.

The space in front of the Triangular Park of Subrahmanyeswara Temple;

Space in front of Basavapatna Road, that is up to the Class I border, but exclusive of Class I Area.

The area may be grouped as Class II, and a tax of Rs. 7 per square yard may be levied.

Block III.—

Road in front of Sri Subrahmanyeswaraswami Temple and space opposite to Sri Agasthyeswaraswami Temple.

Rs. 4 per square yard.

Block IV.—

Space (grouped as Class IV) on either side of the Basavapatna Road beyond the cattle show pendal.

Rs. 4.

Block V.—

1. For shops to be opened in the existing Shandy Area.

Rs. 2 per square yard.

2. For every new cart brought for sale

... Rs. 2.

Block VI.—

In respect of space taken in terms of yards for keeping stalls the following rates are leviable.—

	Rs.	a.	p.
1. For sale of flowers, betel leaves and plantains brought in head-loads in baskets. ...	0	8	0
2. Per cart-load of cocoanuts ...	0	8	0
3. For offerings of Silver pieces to the Deity by the Devotees with the usual concessions in respect of six families—For every place of the offering ...	8	0	0
4. In respect of every stall opened on the pials of houses in the bazaar street ...	16	0	0
5. For every hotel run in houses ...	16	0	0
6. In cases where " Bhakshya " dishes are sold in hotels for every such hotels. ...	20	0	0
7. In respect of every show in the case of dramas	20	0	0
8. Do do cinemas...	20	0	0
9. Do do circuses..	20	0	0
10. For every Merry-go-round ...	16	0	0
11. For every Mill-stone Stall ...	8	0	0
12. For every shop selling camphor, flowers, fruits, etc., near temples ...	2	0	0
13. For every Mutton or Meat-shop ...	20	0	0
14. In respect of Picture Shows through Magnifying glasses—per every premises for every day ...	16	0	0
15. For Arrack and Toddy shops—per day ...	12	0	0
16. For every Pottery shop ...	2	0	0
17. For sale in head-loads (except in the case of sale of fuel and grass) ...	1	0	0
18. For sale on push-carts— for every cart ...	2	0	0
19. From every Hawker in the streets ...	2	0	0

PART III.

Statement of Taxes chargeable on articles in a market or shandy.

Sl. No.	Description of Shops	Maximum Rates		
		I Class	II Class	III Class
		Rs. a. p.	Rs. a. p.	Rs. a. p.
1	Pottery Stall	...	0 8 0	0 4 0
2	Sweet-meat, Coffee, Cakes, etc., Restaurant	1 0 0	0 8 0	0 4 0
3	Cloth stall (stitched and unstitched) bed sheets, blankets, etc., stall	1 0 0	0 8 0	0 4 0
4	Groundnut stall	...	0 4 0	0 2 0
5	Rice, Dhall, Ragi, etc., Bran Stall	1 0 0	0 8 0	0 4 0
6	Indigenous Drugs Stall	...	...	0 2 0
7	Vegetable Stall per basket (worth 8 annas)	...	...	0 2 0
8	Vegetable Stall per basket (less than 8 annas)	...	...	0 1 0
9	Fish Stall	...	...	0 4 0
10	Bamboo Winnows, Basket, Mat, etc., Stall	...	...	0 4 0
11	Cutlery Stall (Knife, Scissors, Etc.)	1 0 0	0 8 0	0 4 0
12	Fruit Stall	...	0 4 0	0 2 0
13	Tobacco Stall	1 0 0	0 8 0	0 4 0
14	Eggs' Stall	...	...	0 4 0
15	Betel-leaves Stall for every 25 bundles and fraction thereof...	...	...	0 2 0
16	Match-box Stall	...	...	0 2 0
17	Kaddi-pudi Stall	...	0 8 0	0 4 0
18	Bakery Stall	...	...	0 4 0
19	Kerosene-oil Stall	...	...	0 4 0
20	Jaggery stall	1 0 0	0 8 0	0 4 0
21	Salt Stall	...	...	0 4 0
22	Onions, Garlick, etc., Stall	...	...	0 4 0
23	Cocanut Stall	0 8 0	0 4 0	0 2 0
24	Tailor's Shop (with Tailoring Machine)	...	...	0 8 0
25	Bangles' Stall	...	...	0 4 0
26	Silk or Yarn Stall	...	...	0 8 0
27	Areca-nut Stall	...	0 8 0	0 4 0

Serial No.	Description of Shops	Maximum Rates					
		I Class		II Class		III Class	
		Rs.	a.	p.	Rs.	a.	p.
28	Snuff Stall	...	...	...	0	4	0
29	Flower Stall	...	...	...	0	2	0
30	Stalls other than those described above	0	8	0	0	4	0
31	Snacks Stall	...	...	...	0	8	0
32	Meat or Butcher's Stall	1	0	0	0	8	0
33	Cattle Stall per Sheep and Goat	...	...	...	0	2	0
34	Cows, Bulls, Bullocks per head	...	...	...	0	8	0
35	Sheep per head	...	...	...	0	4	0
36	Fowls per head	...	...	...	0	2	0
37	Hides and Skins—each	...	...	...	0	2	0
38	Combined Stalls containing two or three varieties of stalls of the description noted above	1	0	0	0	8	0
39	For every laden cart	1	0	0	...	...	...
40	For every unladen cart	0	8	0	...	...	...
41	Hardware Shop	1	0	0	0	8	0
42	Vessels Shop	1	0	0	0	8	0
43	Horse-shoeing	...	...	...	0	4	0
44	Glassware Stall	...	...	...	0	8	0
45	Chunnam Stall	...	...	...	0	2	0
46	Kadale-puri Stall	...	...	...	0	4	6
47	Grains-measuring Stall	1	0	0	...	...	...
48	Goldsmith's Stall	2	0	0	...	...	...
49	Half-a-ton Lorry on each Lorry	1	0	0	...	...	...
50	Sugarcane Stall	...	...	...	0	4	0
51	Sheep and Goat Skins	...	...	...	0	2	0

NOTE.—1. Stalls having articles of the value of Rs. 25 and more should be classified as I Class.

2. Stalls having articles of the value of more than Rs. 5 and less than Rs. 25 should be classified as II Class.

3. Stalls having articles of the value of less than Rs. 5 should be classified as III Class.

4. Those who have paid tolls on a laden-cart and have obtained a receipt for the same are exempted from the payment of shop tax.

5. Head-loads of the value of less than four annas are exempted from shandy tax.

6. Articles (1) Locally-made or (2) of Hand-loom manufacture, bearing the seal of the Mysore Industries and Commerce Department, are exempted from the payment of shandy tax.

SCHEDULE IV.

Composition of District Boards.

(See SECTION 50)

<i>Name of the District Board.</i>	<i>Proposed number of Members.</i>	
1. Bangalore	...	40
2. Mysore	...	36
3. Mandya	...	25
4. Hassan	...	23
5. Shimoga	...	20
6. Chikmagalur	...	20
7. Chitaldrug	...	29
8. Tumkur	...	40
9. Kolar	...	34

SCHEDULE V.

PURPOSES FOR WHICH PLACES MAY NOT UNDER SECTION 98 BE
USED WITHOUT A LICENSE.

(See Section 98.)

Aerated waters.—Manufacturing.

Ammunition.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Article made of flour.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Ashes.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.

Biscuits.—Baking, preparing, keeping or showing for human consumption (for other than domestic use).

Blood.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bones.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bread.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Bricks.—Manufacturing.

Camphor.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.

Candles.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Carpets.—Manufacturing.

Catgut.—Storing, packing, pressing, cleansing, preparing, or manufacturing any process whatever.

Cement.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Charcoal.—Dumping, sifting, selling or storing.

Chemical preparations.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Chillies.—Grinding by machinery.

Chlorate mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cinders.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or sifting.

Clothes.—Dyeing.

Coal.—Dumping, sifting, selling or storing.

Cocconut fibre.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Combustible material.—Storing.

Combustibles.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Confectionery.—Baking, preparing, keeping, or storing for human consumption (for other than domestic use).

Cotton, cotton refuse.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Dyes.—Packing, pressing, cleansing, preparing or manufacturing any process whatever.

- Explosive*.—Storing.
- Fat*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Firewood*.—Selling or storing.
- Fireworks*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Fish*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Fish oil*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Flax*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Fleshings*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Flour*.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Fuel*.—Using for any industrial purpose.
- Fulminate of mercury*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Gas*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Gold*.—Refining.
- Gram*.—Husking by machinery.
- Gun-cotton*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Gun-powder*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Hair*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.
- Hay*.—Selling or storing.
- Hemp*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Hides*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Hoofs*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Horns*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Ice*.—Manufacturing.
- Jute*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Lac*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Lead*.—Melting.
- Leather*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Lime*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Limeshells*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Manure*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Machinery*.—Using for any industrial purpose.
- Matches*.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Meat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Metals.—Beating, breaking, hammering, casting, etc.

Nitro compound.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro glycerine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Offal.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Paddy.—Boiling or husking by machinery.

Petroleum products.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever in quantities not exceeding six gallons, provided that no licence shall be required for storing petroleum in accordance with the provisions of the Mysore Petroleum Act, 1942, or the rules issued or the notifications published under that Act.

Pitch.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Pottery.—Manufacturing by any process whatever.

Resin.—(including rosin).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Saltpetre.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Seegakai.—Powdering by machinery.

Shellac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Skins.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Soap.—Manufacturing by any process whatever.

Spirits.—Manufacturing by any process whatever.

Sulphur.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tallow.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tar.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Thatching materials.—Selling or storing.

Tiles.—Manufacturing.

Timber.—Selling or storing.

Tobacco (including snuff, cigars, cigarettes and beedies).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Turpentine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Wool.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Yarn.—Dyeing.

Provided that no licence shall be required for the storage only of any of the articles mentioned in this Schedule or for boiling paddy when such storage or boiling is for domestic use and limited to such quantities as may from time to time be fixed by the Commissioner.

Gilding or electro-plating.

Keeping a shaving or hair-dressing saloon.

Keekping together pigs or twenty or more sheep or goats or ten or more head of cattle.

Manufacturing articles from which offensive or unwholesome smells, fumes, dust or noise arise.

In general, any purpose or the doing in the course of any industrial process anything which in the opinion of the District Board is likely to be dangerous to human life, or health or property or is likely to create or cause a nuisance.

G. S. VENKATARAMANA IYER,

Secretary,

Mysore Legislature.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER
MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. Ch.S. 199—Mis. 2-51-1, Bangalore, dated 5th April 1951.

Under clause (2) of Article 166 read with Clause (1) of Article 238 of the Constitution of India, His Highness the Maharaja, Sri Jaya Chamaraja Wadiyar Bahadur, Rajpramukh of Mysore, is pleased to make the following amendment to the rule issued in Notification No. 10646/C. B. 253—49—2, dated 26th January 1950, in addition to the amendment made in Notification No. 1779/C. B. 68—50—1, dated 10th May 1950, namely:—

In the said rule, after the words "Assistant Secretary" the words "or an Additional Assistant Secretary" shall be inserted.

JAYA CHAMARAJA WADIYAR,

Maharaja of Mysore.

K. SRINIVASAN,

Chief Secretary to Government.

No. S. R. 8058—Regis. 27-50-2 dated Bangalore, the 31st March 1951.

In exercise of the powers conferred by Section 78 of the Mysore Registration Act, 1903, as amended from time to time, His Highness the Maharaja of Mysore is pleased to direct that the table of Registration fees be revised as per the Schedule enclosed and that the revised scale of fees be levied with effect from 1st April 1951.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,

*Secretary to Government,
Revenue Department.*

PART III.

Table of Registration Fees under section 78 of the Mysore Registration Regulation, No. I of 1903.

The registration fees payable to the several offices of Registration in Mysore shall be as follows:—

I. (a) For registration of documents in books I and IV—

					Rs. a. p.
(1)	When the value does not exceed Rs. 10	0	4	6	
(2)	When the value exceeds Rs. 10 but does not exceed Rs. 25			0	7 0
(3)	Do 25 but does not exceed Rs. 50	0	9	0	
(4)	Do 50 do do	75	0	13 6	
(5)	Do 75 do do	100	1	2 0	
(6)	Do 100 do do	150	1	11 0	
(7)	Do 150 do do	200	2	4 0	
(8)	Do 200 do do	250	2	13 0	
(9)	Do 250 do do	300	3	6 0	
(10)	Do 300 do do	500	3	15 0	
(11)	Do 500 do do	750	4	8 0	
(12)	Do 750 do do	1,000	5	10 0	
(13)	Do 1,000 do do	2,500—For the first thousand as under Sub-Clause 12, and for every 500 or part thereof in excess of 1,000	Rs. 1	2 0	
(14)	Do 2,500 but does not exceed to Rs. 5,000—For the first 2,500 as under Sub-Clause 13, and for every 500 or part thereof in excess of 2,500	Rs. 1	11 0		
(15)	Do 5,000 but does not exceed Rs. 25,000—For the first 5,000 as under Sub-Clause 14 and for every 1,000 or part thereof in excess of 5,000	Rs. 2	4 0		
(16)	Do 25,000 but does not exceed Rs. 50,000—For the first 25,000 as under Sub-Clause 15, and for every 1,000 or part thereof in excess of 25,000	Rs. 2	13 0		
(17)	Do 50,000—For the first 50,000 as under Sub-Clause 16, and for every 1,000 or part thereof in excess of Rs. 50,000	Rs. 3	6 0		

(b) The consideration expressed in a document is generally taken to be its value for determining the registration fee. Where no consideration is expressed, the value of the property dealt with as shown in the document is taken.

(c) The provisions of sections 5, 6, 20, 21, 23 and 25, of the Mysore Stamp Regulation and of the Indian Stamp Act, respectively, are applied *mutatis mutandis* to calculations of value for the purpose of determining the registration fee.

(d) In the case of leases the value is taken—

- (1) at the total rent for the whole term when the lease is for periods not exceeding one year ;
- (2) at the average annual rent when the lease is for periods exceeding one year ;
- (3) at one-fifth of the whole amount of rents payable for the first fifty years when the lease is perpetual.

In all cases where a fine or premium is paid or is made payable or money is advanced, that amount is also added to the value. When a lessee undertakes to pay assessment quit-rent, etc., in addition to the rent, the said payment also is added to the rental value. If the rent is payable in kind and its money value is not specified in the lease, its value is taken to be the highest amount which the stamp borne by the document shall suffice to cover ; but if the lease bears no stamp or is exempt from stamp duty, the money value of the produce is calculated at the current market rates.

Where in agricultural leases for one year or less the rent is not fixed either in kind or in cash and the lease deed is unstamped, its value for purposes of registration is taken to be five times the assessment on the land the rent of which is secured by the instrument, when the survey assessment is specified in the lease.

(e) In the case of deeds of partition, the value of the separated share or shares on which the stamp duty is payable is taken as the value or consideration.

(f) When the value of the document is not specified :

In the case of all other documents in which neither the consideration for the transaction nor the value of the property affected is expressed, or in which it is only partially expressed the

value shall be the maximum amount which the stamp borne by the document is sufficient to cover, if the document is one which is liable to stamp duty at *ad valorem* rates. If the value cannot be determined from the stamp, as for instance when the deed is not liable to stamp duty, or is liable to duty at a fixed amount irrespective of the value of the transaction, or when the transaction is not susceptible of money valuation, the fee leviable shall be Rs. 6-12-0 provided that in cases where value of only a portion of the property or consideration is given and that value exceeds Rs. 1,500 the fee shall be levied on the value so expressed.

Note.—In the case of documents evidencing petty transactions incapable of valuation the Inspector-General of Registration may, if he considers that the levy of a fee of Rs. 6-12-0 would be productive of hardship, authorise Registering Officers to levy a lower fee, which however shall not be less than four annas and six pies.

(g) For registration of a document purporting to give collateral or auxiliary or additional or substituted security or security by way of further assurance, where the principle or primary mortgage is duly registered:—

Same fee as for the principle or primary mortgage.

(h) For document acknowledging receipt or payment of consideration on account of any previously registered document or for any receipt acknowledging payment of a debt or rent due under a previously registered document:—

Ad valorem fee as per Article 1A, subject to a maximum of Rs. 2-4-0, *vide* Government Notification No. Fl. 2366—Regis. 12-29-1, dated 25—26th September 1929.

(i) For a duplicate or counterpart of a document—

If registered at the same time as the original, Re. 0-4-6 per 100 words or part thereof, provided that if the fee to be recovered at the rate of Re. 0-4-6 per 100 words is higher than the ordinary fee for registration, the ordinary fee shall be charged.

(j) Certified copies of decrees, orders of courts and awards—

Ad valorem fee as per Article 1 (a).

For Registration of Adoption deed : —

(Whether or not the deed refers }
to immovable property to which } Rs. 11-4-0.
the adoptee becomes entitled).

G. O. No. Fl. 1628—Regis. 29-41-2, dated the
2nd September 1942.

II. For registration of Wills and Authorities to adopt—

(a) Opening a sealed cover and entering the contents in Book III :—

Rs. 2-4-0 *plus* copying fee at the prescribed rate.

(b) Will or Authority to adopt presented open :—

Rs. 11-4-0. Provided that in the case of Wills in which the value of the property dealt with is mentioned and that the value does not exceed Rs. 3,000 the registration fee shall be as per *ad valorem* scale in Article 1 (a).

III. Sealed Covers (Book V).—

[a] For deposit and entry in Book V of a sealed cover purporting to contain a Will

Rs. 3 6 0

[b] Withdrawal of any such cover .. Rs. 3 6 0

Article III—A. The registration fee for a deed of cancellation or revocation shall be that liable on the original document cancelled or revoked—subject to a maximum of Rs. 5.

(G. O. No. Fl. 2250—Regis. 14-38-2, dated 16th
November 1938).

IV. Registration by a Registrar in cases other than those in which a document is registered by a District Registrar in consequence of the Sub-Registrar being a party interested in the transaction to which such a document relates—

Extra fee of Rs. 5 when registered under Section 30 (a) by any District Registrar and Rs. 10 when registered by the District Registrar of Bangalore under Section 30 (b) of the Mysore Registration Regulation : Provided that no extra fee shall be levied when the English document is registered by a Registrar solely in consequence of the language in which it is written being unknown to the Sub-Registrar by whom it is properly registrable :

Provided also that no extra fee shall be levied for the registration of a counterpart or a duplicate of a document in respect of which extra fee has been paid, as above such counterpart or duplicate is presented for registration on the same day as the original document, when the original is also registered.

V. (a) (1) Memorandum under Sections 64, 65, 66 and 67 Rs. 1 2 0

(2) For each additional copy required for 100 words or part thereof Re. 0 4 6

(b) When a copy of instrument has to be sent to the Registrar of another district such copy should be charged for at the rate of Re. 0-4-6 per 100 words and additional fee of one rupee and two annas for each memorandum issuable under Section 66, must be levied and remitted to the Registrar.

VI. (a)—(i) Search for or inspection of a single entry or document—

For the first year in the Books of which search is made, for each entry or document Rs. 1 2 0

For every other year in the books of which search is continued for each entry or document .. Re. 0 4 6

(ii) General search for an inspection of any number of entries or documents relating to one and the same property or executed by or in favour of one and the same individual.

For the first year in the books of which search is made Rs. 2 4 0

For every other year in the books of which search is continued Re. 0 9 0

Note.—(1) The rates mentioned above as subject to a maximum of Rs. 5-10-0 and Rs. 11-4-0 in the cases of single and general searches, respectively, *vide* G.O. No. Fl. 1122—Regis. 26-26, dated 4th August 1927.

(2) Every application for the continuance of a search made after one week from the date of completion of that search will be treated as fresh application and the higher fees of Re. 1-2-0 or Rs. 2 4-0 respectively, will be charged for the first year in the books of which the search is desired to be continued.

Note.—(2) of Article VI (a) (ii) relating to fees for search under Section 57 of the Registration Regulation published in Notification No. P. 5552—Regis. 30-89-9, dated 6th January 1923 will be replaced by the following:—

“ Every application for the grant of a certified copy unless made at the time of registration of a document shall be considered as an application for search and charged accordingly, provided, however, that no fee for search shall be charged in respect of a document of which a copy is applied for when the names of claiming and executing parties, the nature of the document and the date of registration are shown in application for the copy.”

(Vide Notification No. Fl. C. 68—Regis. 41-25, dated 12th October 1926).

(4) The Inspector-General of Registration may, in his discretion remit in part the fee leviable under this article when it appears to him that the exaction of full fee would be productive of hardship.

VII. (1) (a) Granting certified copies or extracts from Registers, indexes or any documents (Sections 57 and 76) per 100 words or portion of 100 words. —

Re. 0-3-6, whether in English or Kannada.

(b) Granting of copy of map or plan.—

Re. 0-9-0, provided that the arrangements for and the cost of making such copies are made and borne by the person who applies for it.

(c) Granting copies of documents other than those mentioned above :—

At the rates prescribed in the rules issued by the Chief Court for the grant of copies in the Civil Court.

Note.—(1) Every figure, initial or abbreviation shall count as a word.

(2) Government Officers who may require to search the registers or to take copies of entries for *bona fide* public purposes shall be permitted to do so without payment of any fee.

(3) Copies of documents in languages other than in English or Kannada shall be charged at one anna per 100 words instead of 3 annas if a clerk knowing that language is employed in the Registration Office granting the copy. Also when a copy is printed at the expense of an applicant or when the applicant presents a printed copy of a document already registered and applies for a certified copy of the same, only the portion added in manuscript in the certified copy shall be charged for the ordinary rates of copying; and, in addition, a fixed fee of two annas shall be levied for comparing and certifying each copy.

(4) No charge shall be made for granting copies of reasons for refusal given by a Sub-Registrar.

VII. Powers of Attorney. —

	Rs.	a.	p.
(1) Registering a Power of Attorney	5	10	0
(2) Attesting a Special Power of Attorney	1	2	0
(3) Attesting a General Power of Attorney	2	4	0

Note.—(1) A single fee shall be levied for the attestation of a Power-of-Attorney whatever may be the number of signatories to it provided that all of them appear simultaneously for examination or execution. Where they do not so appear, a separate fee is levied for such set of persons appearing at the same time.

(2) The duplicate or the triplicate of a Power-of-Attorney presented for authentication shall be treated as a separate power and a separate attestation fee shall be levied for it.

IX. For filing translation Extra fee Rs. 1-2-0.

Note.—Filing copies of the orders, certificates and instruments referred to in Section 89 ... No fee.

X. (1) Issue of commission or attendance at a private residence or Jail.

(a) For registration of one or more documents executed by one and the same individual, or

(b) For the acceptance of registration of one or more documents executed in favour of one and the same individual or for the acceptance for deposit of a Will executed by an individual, or

(c) For the attestation of one or more Power-of-Attorney executed by one and the same individual.

(d) For the examination of one and the same individual under Section 33 or 38.

Rs. 11 4 0

Besides ordinary fee and travelling allowance.

(2) For the services of a female if required, extra fee as remuneration to her Rs. 5-10-0.

Note.—(1) Where two or more persons who are parties to the same document and who are entitled to exemption from attending the Registration Office reside together, or when two or more persons who are parties to the same document are confined in a Jail, only one attendance or commission fee shall be charged so far as those persons are concerned. In that event each such person shall be entitled to present for registration or attestation at such attendance any number of documents or Powers-of-Attorney or to admit execution of any number of documents presented for registration or to deposit a Will, without payment of any further attendance fee.

**Note.*—(2) "When in the course of attendance at a private residence a Registering Officer is required to record in respect of the

same instrument the admission of persons not entitled to the concession, the request, may, if possible, be complied with without the levy of any additional fee."

(*Vide* notification No. Fl. 5591—Regis. 6-32-7, dated 17th April 1933).

XI. For proceeding to and returning from a private residence or Jail, travelling allowance shall be allowed, at eight annas per mile to a Registrar and at 4 annas per mile to a Sub-Registrar or other persons deputed to take an examination.

XII. For the safe custody and return of documents.—

For each month or part of a month, during which a registered document is left unclaimed in a Registration Office, after the expiration of one month from the date of registry (to be paid before delivery of the document), four annas and six pies per month for documents of values up to Rs. 100 and nine annas per month for documents of values exceeding Rs. 100 or for documents in which no value is specified, subject to a maximum of Rs. 5-10-0 in any one case.

XIII. (1) For filing copies of memoranda relating to deposit of title-deeds received from Banks under Section 59, Clause (2), of the Transfer of Property Regulation. In cases where property mentioned in such memoranda are situated in more than one taluk or district and in cases where the property is not situated in the area to which Section 59 applies, Government are pleased to appoint the Registrar of Bangalore District as a Special Registrar for registering such memoranda and to exempt them from payment of the fees prescribed in paras 11 and 12 of the rules framed by Government under the Registration Regulation as regards fees payable thereunder.

Note.—Under Sub-Section (2) of Section 59 of the Transfer of Property Regulation, 1918, Government are pleased to extend the provisions of that Sub-Section to the whole of the areas comprised in the cities of Bangalore and Mysore.

(G. O. No. J. 4622—Legis. 43-17-3, dated 11th May 1918).

(2) On all documents registered, if containing more than 300 words, an additional fee at the rate of four annas and six pies per 100 words or fraction of 100 words is charged for the number above 300.

(3) If a document tendered for registration has one or more schedules appended to it, they are charged

for at the above rate according to the aggregate number of words contained in them.

(4) Special rates of fees for the registration of documents executed by or in favour of Agricultural Banks.

	Rs.	a.	p.
(a) When the value does not exceed Rs. 100 including schedules	0	9	0
(b) Exceeding Rs. 100 but not exceeding Rs. 1,000	1	2	0
(c) „ 1,000 but not exceeding Rs. 5,000	2	4	0
(d) In all other cases	4	8	0
(e) Searches	Free or		
	no fee.		
(f) Certified copies for 100 words	0	1	6
(g) Attesting Power-of-Attorney	0	4	6
(h) Private attendance	2	4	0
(i) Issue of commission	2	4	0
(j) Mileage to Registering Officers or others per mile	0	2	0

(5) Fees for registration, etc., of documents executed by or on behalf of any Co-operative Society for the time being registered under the Co-operative Societies Regulation or by an officer or member of such a society and relating to the business thereof.....half the fee.

(6) Fees for registration, etc., of documents executed by applicants and sureties in connection with loans obtained and arrangements entered into for the supply of machinery, etc., under the rules published with Government Notification No. G. 2146—G.M. 55-12-240, dated 2nd September 1913.

	Rs.	a.	p.
(a) When the value does not exceed Rs. 100 including schedule	0	9	0
(b) Exceeding Rs. 100 but not exceeding Rs. 1,000	1	2	0
(c) „ 1,000 5,000	2	4	0
(d) In all other cases	4	8	0
(e) Search	Free or		
	no fee.		
(f) Certified copies (per 100 words)	0	1	6
(g) Attesting Power-of-Attorney	0	4	6
(h) Private attendance	2	4	0
(i) Issue of commission	2	4	0
(j) Mileage to Registering Officers or others per mile	0	2	0

(7) For Registration, etc., of instruments executed by or on behalf of or in favour of, the Mysore Palace.
Nil.

(8) Special rates for documents executed by applicants for loans to build and make other improvements for houses in the Mysore City and on those executed by their sureties.

	Rs.	a.	p.
(a) When the value does not exceed Rs. 100	...	0	9 0
(b) Exceeding Rs. 100 but not exceeding Rs. 1,000	...	1	2 0
(c) Search		Free.	
(d) Certified copies per 100 words		0	1 6
(e) Attesting Power-of-Attorney	...	0	4 6
(f) Private attendance or issue of commission	...	2	4 0
(g) Mileage to Registering Officers or others per mile	...	0	2 0

(Notification No. P. 34—Regis. 37-4-3, dated 4th July 1922
No. P. 5552—Regis. 34-19-9, dated 6th January 1923 and
Notification No. S.R. 8058—Regis. 27-50-2, dated 31st March 1951).

No. EDS. 84—Elec. 212-50-47, dated Bangalore 9th April 1951.

In exercise of the powers conferred by Section 6 of the Mysore Electricity (Taxation on Consumption) Ordinance 1950 (Mysore Ordinance No. IV of 1950), His Highness the Maharaja of Mysore is pleased to make an exemption in respect of the tax payable under the said Ordinance on energy supplied through electrical installations maintained for the said purpose, to the lighting installations in Offices of the Government of Mysore.

By Order of His Highness the Maharaja,

S. BILIGIRI RAO,

*Secretary to Government,
Electrical Department.*



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(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, TUESDAY, APRIL 3, 1951.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 7—L.A. 1-51-1, dated Bangalore, 3rd April 1951.

In exercise of the powers conferred by sub-sections (1) and (2) of Section 5 of the Mysore Payment of Salaries and Allowances to Members of the Legislative Assembly Act, 1951 (Mysore Act II of 1951), His Highness the Maharaja of Mysore is pleased to make the following rules, namely :—

1. (1) These Rules may be called the Mysore Legislative Assembly (Members' Salaries and Allowances) Rules, 1951.

(2) They shall be deemed to have come into force on the 1st day of March 1951.

2. In these rules, unless there is anything repugnant in the subject or context,—

(1) "Assembly" means the Mysore Legislative Assembly;

(2) "Committee" means a Select Committee of the Assembly or any Committee constituted under the Assembly Rules or any Standing Committee or other Committee constituted under any order of the State Government or a Committee appointed by the Speaker or the State Government and includes the Statutory Boards and the Boards appointed by the State Government;

(3) "day" means a calendar day, beginning and ending at mid-night;

(4) "House" means the building in which the meeting is held;

(5) "meeting" means a meeting of the Assembly or a meeting of a Committee;

(6) "Member" means a Member of the Assembly and includes the Deputy Speaker;

(7) "mofussil member" means a member whose ordinary place of residence is outside a radius of five miles from the House;

(8) "ordinary place of residence" means the place where a member ordinarily resides for at least six months in the year;

(9) "Session" means the whole period elapsing between and including the day for which the Assembly is summoned to meet and the day on which it is prorogued or adjourned *sine die*.

3. Subject to the provisions of the succeeding rules, the salary of a member for any month shall become due on the first day of the succeeding month and may be drawn on that day or on any day thereafter, provided that in the case of a member whose seat becomes vacant, his salary becomes due on the day following that on which his seat shall become vacant and may be drawn on any day thereafter and a copy of the notification declaring the seat vacant shall be attached to the last salary bill.

4. (1) Salary bills shall be paid only upon the claim of the member.

(2) The salary bill of a member shall be prepared by the Office of the Mysore Legislature in accordance with these rules and shall be countersigned by the Secretary to the Assembly.

(3) The salary and allowances due to a deceased member may be paid to the claimant of the estate of the deceased member without the production of the usual legal authority,—

(a) where the sum claimed is less than Rs. 500, if the Deputy Commissioner of the District in which the member has his ordinary place of residence, after such enquiry as he deems sufficient into the claimant's right and title, certifies the claimant to be the proper person to receive such payment, and

(b) where the claim is in excess of Rs. 500 under the orders of the State Government on the execution of an indemnity bond with such sureties as they may require.

5. Subject to the provisions of the succeeding rules a member may draw daily allowance for any day on which he attends a meeting.

6. No mofussil member may draw daily allowance in addition to travelling allowance for the day of journey unless he attends a meeting.

7. No member whose ordinary place of residence is within a radius of five miles from the House may draw travelling allowance for attending the meeting.

8. A member shall be entitled to travelling allowance to and from his ordinary place of residence for attending any meeting.

9. If a mofussil member attends the first meeting of the Assembly and stays throughout the session, he may draw daily allowance for the whole session.

Provided that he has attended all meetings of the Assembly during the session or, in the case of absence from any meeting, has explained such absence to the satisfaction of the Speaker.

Provided further that where daily allowance is drawn under the authorisation of the Speaker, for days of absence,

the allowance shall be drawn at the following rates :—

(a) for the first six days of absence in a session, at full rates ;

(b) for a further twelve days of absence in a session, at half rates ;

(c) for days of absence in excess of eighteen days in a session, no allowance.

10. A mofussil member who is prevented from attending any meeting of the Assembly or of Committee may draw daily allowance for the day or days of his absence, if —

(a) he stayed at the place of the meeting on each day of such absence and

(b) he has explained such absence to the Speaker or the Chairman of the Committee, as the case may be :

Provided that when daily allowance is drawn under this rule, the allowance shall be drawn at the rates specified in clauses (a), (b) and (c) of the second proviso to rule 9.

11. (1) In the case of adjournments or intervals or holidays between meetings of seven days or less, a mofussil member who stays at the place of meeting for the intervening period may draw daily allowance for that period. A mofussil member who returns to his ordinary place of residence may draw travelling allowance but the amount drawn shall in no case exceed the amount which would have been admissible if he had elected to stay at the meeting place, and drawn daily allowance.

(2) In the case of adjournments or intervals between meetings of more than seven days a mofussil member may return to his ordinary place of residence in the intervening period and may draw travelling allowance. If he stays at the place of meeting he may draw daily allowance but the amount drawn shall not exceed the amount which he would have drawn as travelling allowance had he returned to his ordinary place of residence.

Explanation.—For the purposes of this rule the expression “intervals between meetings” include any interval between

(i) a meeting of the Assembly and of a Committee ; or

- (ii) a meeting of a Committee and of the same or another Committee or of the Assembly.

12. When a meeting lasts over the week-end, travelling allowance is not admissible to a mofussil member who leaves the place of meeting during the week-end, but he may draw daily allowance for the week-end provided he is present at the opening meeting after the week-end; otherwise he may draw daily allowance only for the days on which he actually attended the meetings.

13. When a continuous series of meetings exceeds a period of twenty-one days and a mofussil member has attended the meetings held on fifteen consecutive days, he may return to his ordinary place of residence once and may draw travelling allowance for the purpose of journeying from the place of meeting and from his ordinary place of residence provided the said journeys are actually performed and he attends a meeting of the same series.

14. (1) For the purpose of calculating travelling allowance, a journey between two places shall be held to be performed by the shortest of two or more practicable routes, or by the cheapest of such routes as may be equally short.

(2) The shortest route is that by which the traveller can most speedily reach his destination by the ordinary modes of travelling. In cases of doubt, the State Government will declare which shall be regarded as the shortest of two or more routes between any two places.

(3) If a member travels by a route which is not the shortest, but is cheaper than the shortest, his travelling allowance should be calculated by the route by which the journey is actually made.

15. In calculating travelling allowance for journeys by road, fractions of a mile, shall be omitted from the total of a bill for any one journey but not from the various items which make up the bill.

16. The procedure in force on the date of commencement of these rules for disbursing in cash, travelling and daily allowance to members at the close of each session shall continue.

17. (1) In respect of meetings of committees, a certificate of attendance shall be issued to every member

by the Secretary of the Committee in the following form :—

"Certified that Sri/Srimathi
Janab/Janaba.....
.....
attended the sittings of the.....
.....on.....
as a member thereof.

Secretary.

(2) In respect of travelling allowance and daily allowance for attending the meetings of committees only one bill for a month shall be preferred at the close of the month in which all the journeys performed and halts made in respect of the meetings attended by him shall be noted.

(3) The bill preferred under sub-rule (2) shall also include the journeys and halts, if any, the claims in respect of which has been dealt with under rule 16, but deduction shall be made of the amount drawn or preferred as travelling allowance and daily allowance in respect of them and the net amount only shall be claimed in the Bill.

(4) The travelling allowance bill with the certificate issued under sub-rule (1) may be forwarded direct to the Accountant-General and no countersignature of such bill by any officer of Government is necessary.

18. (1) A member shall record in his travelling allowance bill, a certificate of having travelled in the class for which the railway fare is claimed by him. Otherwise the member shall be paid only railway fare based on the fare of the class in which he actually travelled.

(2) A member shall also certify that he has actually performed the journeys for which travelling allowance is claimed and that he has not in any other capacity drawn travelling allowance for the same journey or daily allowance for the same day.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.



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BANGALORE, THURSDAY, APRIL 19, 1951.

[No. 16

PART IV

Section I-A

BILLS INTRODUCED IN THE CENTRAL LEGISLATURE WHICH IF ENACTED WILL APPLY TO MYSORE AND THE REPORTS OF SELECT COMMITTEES, IF ANY, THEREON.

NOTIFICATION.

No. L. D. 15—Legis. 3-50-20, Bangalore, dated the 4th April 1951.

Ordered that the accompanying Minimum Wages (Amendment) Bill, 1951 (Bill No. 23 of 1951) published in the *Gazette of India*, Part II, Section 2, dated the 24th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government, Law Department.*

PART III SECTION 2

Bills and Reports of Select Committees on Bills.

Parliament of India

The following Bill was introduced in Parliament on 19th March 1951

Bill No. 23 of 1951**THE MINIMUM WAGES (AMENDMENT) BILL, 1951.**

(AS INTRODUCED IN PARLIAMENT)

A

BILL

further to amend the Minimum Wages Act, 1948.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Minimum Wages (Amendment) Act, 1951.**2. Amendment of section 3, Act XI of 1948.**—In sub-section (1) of section 3 of the Minimum Wages Act, 1948.—

(1) for clause (a), the following clause shall be substituted, namely:—

“(a) fix the minimum rates of wages payable to employees employed—

(i) in an employment specified in Part I of the Schedule at the commencement of this Act, before the 31st day of March, 1952;

(ii) in an employment specified in part II of the Schedule at the commencement of this Act, from such date as may be specified in this behalf by the appropriate Government by notification in the official Gazette; and

(iii) in an employment included in Part I or Part II of the Schedule by notification under section 27, from such date as may be specified in this behalf in the notification;”

(2) after the existing proviso, the following further proviso shall be inserted, namely:—

“Provided further that, in the case of an employment referred to in sub-clause (ii) of clause (a), the appropriate Government may fix minimum rates of wages only for a part of the State or for any class or classes of such employment.”

STATEMENT OF OBJECTS AND REASONS

Under clause (a) of sub-section (1) of section 3 of the Minimum Wages Act, 1948, as amended by the Minimum Wages (Amendment) Act, 1950, the appropriate Governments are required to fix minimum rates of wages in respect of the employments specified in the Schedule to the Act before the 15th March 1951. But not all State Governments have been able to do so up till now.

With respect to the employments specified in Part I of the Schedule, some State Government require an extension of time for fixation of minimum rates of wages, and it is, therefore, proposed to extend the time limit up to the 31st March 1952.

With respect to employment in agriculture specified in Part II of the Schedule, most State Governments have expressed their inability to fix minimum rates of wages within the time prescribed as considerable difficulties are involved in the process, particularly when it has to be undertaken on a country-wide scale and so as to cover all classes of employment in agriculture. After careful consideration the Central Government have come to the conclusion that State Governments should, in regard to fixation of minimum rates of wages in agriculture, be allowed some discretion in the matter of its enforcement, particularly with reference to the date of enforcement and the areas in which and the employees with respect to whom the powers may be exercised. Sub-clauses (1) (a) (ii) and (2) of clause 2 make due provision in this behalf.

With respect to employment added to Part I or Part II of the Schedule, as the case may be, by notification under section 27 of the Act, the Act now provides that the date of enforcement shall be two or three years from the date of the notification. In such cases also it would be much better to empower the appropriate Government to notify the date of enforcement for fixation of minimum rates of wages.

JAGJIVAN RAM

NEW DELHI;

The 13th March, 1951.

ANNEXURE

EXTRACT FROM THE MINIMUM WAGES ACT, 1948 (XI OF 1948).

* * * *

Section 3

3. *Fixing of minimum rates of wages.*—(1) The appropriate Government shall, in the manner hereinafter provided,—

(a) fix the minimum rates of wages payable to employees employed in all scheduled employments—

(i) in the case of an employment specified in the Schedule at the commencement of this Act, before the expiry of three years from such commencement; and

(ii) in the case of an employment included in the Schedule by a notification under section 27, two years or, as the case may be, three years from the date of such notification according as the employment is included in Part I or Part II of the Schedule;

(b) review at such intervals as it may think fit, such intervals not to exceed five years, the minimum rates of wages so fixed and revise the minimum rates if necessary:

Provided that the appropriate Government shall not be required to fix minimum rates of wages in respect of any scheduled employment in which there are in the whole State less than one thousand employees engaged in such employment.

PART IV

Section—1-B. 583

ACTS OF PARLIAMENT AND ORDINANCES OF THE
PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 5—Legis. 2,50-71, Bangalore, dated the 2nd April 1951.

Ordered that the following Appropriation (Vote on Account) Act, 1951 (Central Act No. XII of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 24th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*

Received Assent on 21-3-1951.

THE APPROPRIATION (VOTE ON ACCOUNT) ACT 1951 (XII OF 1951).

AN

ACT

to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of the year beginning on the 1st day of April 1951.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Appropriation (Vote on Account) Act, 1951.

2. *Withdrawal of Rs. 74,18,44,000 from and out of the Consolidated Fund of India for the year 1951-52.*—From and out of the Consolidated Fund of India there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of seventy-four crores, eighteen lakhs and forty-four thousand rupees towards defraying the several charges which will come in course of payment during the year beginning on the 1st day of April 1951.

3. *Appropriation.*—The sums authorised to be withdrawn from and out of the Consolidated Fund by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

58A

SCHEDULE

(See sections 2 and 3).

1 No. of vote	2 Services and purposes	3 Sums not exceeding		
		Voted by parliament	Charged on the consolidated fund	Total
		Ra.	Ra.	Ra.
1	Ministry of Commerce and Industry ...	5,57,000	...	5,57,000
2	Industries ...	10,17,000	...	10,17,000
3	Commercial Intelligence and Statistics ...	5,06,000	...	5,06,000
4	Ministry of Communications ...	49,000	...	49,000
5	Indian Posts and Telegraphs Department (including Working Expenses) ...	2,76,58,000	...	2,76,58,000
6	Meteorology ...	7,62,000	...	7,62,000
7	Overseas Communication Services ...	6,16,000	...	6,16,000
8	Aviation ...	27,32,000	...	27,32,000
9	Ministry of Defence ...	2,14,000	...	2,14,000
10	Defence Services—Effective Army ...	11,68,65,000	...	11,68,65,000
11	Defence Services—Effective Navy ...	79,32,000	...	79,32,000
12	Defence Services—Effective Air Force ...	2,08,12,000	...	2,08,12,000
13	Defence Services—Non-Effective Charges ...	1,29,60,000	...	1,29,60,000
14	Ministry of Education ...	2,96,000	...	2,96,000
15	Archæology ...	2,77,000	...	2,77,000
16	Other Scientific Departments ...	12,00,000	...	12,00,000
17	Education ...	11,00,000	...	11,00,000
18	Ministry of External Affairs ...	4,75,000	...	4,75,000
19	Tribal Areas ...	13,67,000	...	13,67,000
20	External Affairs ...	32,35,000	...	32,35,000
21	Ministry of Finance ...	10,09,000	...	10,09,000
22	Customs ...	15,34,000	...	15,34,000
23	Union Excise Duties ...	38,80,000	...	38,80,000
24	Taxes on Income including Corporation Tax ...	23,06,000	...	23,06,000
25	Opium ...	16,44,000	...	16,44,000
26	Stamps ...	8,83,000	...	8,83,000
27	Payments to other Government Departments, etc. ...	51,000	...	51,000
28	Audit ...	33,18,000	1,07,000	34,25,000
29	Joint Stock Companies ...	48,000	...	48,000
30	Miscellaneous Departments ...	17,03,000	...	17,03,000
31	Currency ...	14,27,000	...	14,27,000
32	Mint ...	7,67,000	...	7,67,000
33	Superannuation Allowances and Pensions ...	24,10,000	47,000	24,57,000
34	Miscellaneous ...	1,67,62,000	...	1,67,62,000
35	Grants-in-aid to States ...	2,95,68,000	64,75,000	3,60,43,000
36	Miscellaneous Adjustments between the Union and State Governments ...	9,000	...	9,000
37	Resettlement and Development ...	33,35,000	...	33,35,000
38	Pre-partition payments ...	22,88,000	4,000	22,92,000
39	Extraordinary payments ...	50,00,000	...	50,00,000
	Charged—Interest on Debt and other obliga- tions and reduction or avoidance of Debt... ..	...	4,50,00,000	4,50,00,000
40	Ministry of Food and Agriculture ...	3,82,000	...	3,82,000
41	Forest ...	2,08,000	...	2,08,000
42	Survey of India ...	5,13,000	...	5,13,000
43	Botanical Survey ...	7,000	...	7,000
44	Zoological Survey ...	25,000	...	25,000
45	Agriculture ...	6,73,000	...	6,73,000
46	Civil Veterinary Services ...	2,03,000	...	2,03,000
47	Indian Dairy Department ...	60,000	...	60,000
48	Ministry of Health ...	63,000	...	63,000
49	Medical Services ...	3,70,000	...	3,70,000
50	Public Health ...	5,57,000	...	5,57,000
51	Ministry of Home Affairs ...	6,64,000	...	6,64,000
52	Cabinet ...	2,07,000	...	2,07,000
53	Police ...	8,16,000	...	8,16,000
54	Census ...	8,83,000	...	8,83,000
55	Civil Defence ...	10,000	...	10,000
56	Delhi ...	27,09,000	...	27,09,000
57	Ajmer ...	7,95,000	...	7,95,000
58	Andaman and Nicobar Islands ...	10,18,000	...	10,18,000
59	Ministry of Information and Broadcasting ...	8,03,000	...	8,03,000
60	Broadcasting ...	17,81,000	...	17,81,000
61	Ministry of Labour ...	2,25,000	...	2,25,000
62	Ministry of Law ...	15,63,000	...	15,63,000
63	Administration of Justice ...	17,000	72,000	89,000
64	Ministry of Natural Resources and Scientific Research ...	73,000	...	73,000

1	2	8		
		Sums not exceeding		
No. of vote	Services and purposes	Voted by parliament	Charged on the consolidated fund	Total
		Rs.	Rs.	Rs.
65	Irrigation (including working expenses) Navigation, Embankment and Drainage Works met from Revenue.	2,44,000	...	2,44,000
66	Geological Survey	3,17,000	...	3,17,000
67	Mines	1,97,000	...	1,97,000
68	Scientific Research	18,66,000	...	18,66,000
69	Department of Parliamentary Affairs	7,000	...	7,000
70	Ministry of Rehabilitation	1,53,000	...	1,53,000
71	Expenditure on Displaced Persons	82,18,000	...	82,18,000
72	Ministry of States	89,000	...	89,000
73	Territorial and Political Pensions	2,76,000	1,01,95,000	1,04,71,000
74	Kutch	4,85,000	...	4,85,000
75	Himachal Pradesh	12,60,000	...	12,60,000
76	Bilaspur	82,000	...	82,000
77	Bhopal	8,95,000	...	8,95,000
78	Vindhya Pradesh	16,74,000	...	16,74,000
79	Manipur	2,62,000	...	2,62,000
80	Tripura	6,15,000	...	6,15,000
81	Relation with States	3,83,000	...	3,83,000
82	Ministry of Transport	2,05,000	...	2,05,000
83	Ports and Pilotage	3,80,000	...	3,80,000
84	Lighthouses and Lightships	1,14,000	...	1,14,000
85	Central Road Fund	1,000	...	1,000
86	Communication (including National High- ways)	42,15,000	...	42,15,000
87	Ministry of Works, Production and Supply	1,38,000	...	1,38,000
88	Supplies	11,78,000	...	11,78,000
89	Salt	13,56,000	...	13,56,000
90	Other Civil Works	89,50,000	1,32,000	90,82,000
91	Stationery and Printing	85,22,000	...	85,22,000
92	Parliament	5,60,000	4,000	5,64,000
	Charged—Staff, Household and Allowances of the President	...	1,20,000	1,20,000
	Charged—Union Public Service Commission	...	1,56,000	1,56,000
93	Capital Outlay on Indian Posts and Telegraphs (not met from Revenue)	48,34,000	...	48,34,000
94	Capital Outlay on Indian Posts and Tele- graphs—Stores Suspense (not met from Revenue)	1,000	...	1,000
95	Capital Outlay on Civil Aviation	16,00,000	...	16,00,000
96	Defence Capital Outlay	1,08,08,000	...	1,08,08,000
97	Capital Outlay on the India Security Press	85,000	...	85,000
98	Capital Outlay on Industrial Development	88,00,000	...	88,00,000
99	Capital Outlay on Currency	3,000	...	3,000
100	Capital Outlay on Mints	2,82,000	...	2,82,000
101	Commuted Value of Pensions	7,75,000	...	7,75,000
102	Payments to Retrenched Personnel	28,000	...	28,000
103	Capital Outlay on Schemes of Government Trading	1,14,00,000	...	1,14,00,000
104	Capital Outlay on Development	90,98,000	...	90,98,000
105	Loans and Advances by the Central Govern- ment	97,52,000	5,21,79,000	6,19,31,000
	Charged—Repayment of Debt	...	23,56,75,000	23,56,75,000
106	Capital Outlay on Forest	1,96,000	...	1,96,000
107	Capital Outlay on Broadcasting	4,98,000	...	4,98,000
108	New Delhi Capital Outlay	9,14,000	...	9,14,000
109	Capital Outlay on Civil Works	53,30,000	...	53,30,000
	Total	89,16,68,000	95,01,76,000	74,18,44,000

NOTIFICATION.

No. L.D. 16--Legis. 2-50-72, dated Bangalore, 4th April 1951.

Ordered that the accompanying Indian Tariff (Amendment) Act, 1951 (Central Act XIII of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 30th March, 1951, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 29th March 1951.

THE INDIAN TARIFF (AMENDMENT) ACT, 1951 (XIII OF 1951).

AN

ACT

further to amend the Indian Tariff Act, 1934.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Indian Tariff (Amendment) Act, 1951.

2. Insertion of new section 3A in Act XXXII of 1934.—After section 3 of the Indian Tariff Act, 1934 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"3A. *Power of Central Government to levy protective duties in certain cases.*—(1) Where the Central Government, upon a recommendation made to it in this behalf by the Tariff Board set up under the Resolution of the Government of India in the Department of Commerce, No. 218-T (55)/45, dated the 3rd November, 1945, is satisfied that circumstances exist which render it necessary to take immediate action to provide for the protection of the interests of any industry established in India, the Central Government may, by notification in the Official Gazette, impose on any goods imported into India in respect of which the said recommendation is made, a duty of customs of such amount, not exceeding the amount proposed in the said recommendation, as it thinks fit.

(2) Every duty imposed under sub-section (1) shall, for the purposes of this Act, be deemed to have been specified in the First Schedule, and shall be in addition to any duty imposed under this Act or any other law for the time being in force, but shall not be included in the duty of customs upon which any additional duty imposed by section 6 of the Indian Finance Act, 1942 (XII of 1942), and continued, subject to certain modifications, by certain subsequent Central Acts, is calculated, or operate so as in any way to affect the amount of any additional duty so imposed,

(3) Where a notification has been issued under sub-section (1), there shall be introduced in Parliament if it is sitting within fifteen days after the issue of the notification, and if it is not sitting within fifteen days of its reassembly, unless the notification is in the meantime rescinded, a Bill on behalf of the Central Government to give effect to the proposals in regard to the continuance of a protective duty of customs on the goods to which the notification relates, and the notification shall cease to have effect when such Bill becomes law, whether with or without modifications, but without prejudice to the validity of anything previously done thereunder:

Provided that where for any reason a Bill as aforesaid does not become law within two months from the date of its introduction in Parliament, the notification shall cease to have effect on the expiration of the said period of two months.

(4) This section shall cease to have effect on the expiration of two years from the commencement of the Indian Tariff (Amendment) Act, 1951.

3. Amendment of the First Schedule, Act XXXII of 1934.—In the First Schedule the principal Act,—

(i) in Item No. 11(3), for the entry in the second column, the words "Sago, Tapioca and Tapioca flour, not otherwise specified" shall be substituted;

(ii) after Item No. 11(5), the following Item shall be inserted, namely:—

1(6)	Sago, sables and tapioca pearls— (a) manufactured in a British Colony.	Protective ...	24 per cent <i>ad valorem</i> .		December 31st, 1952.
	(b) not manufactured in a British Colony.	Protective ...	36 per cent <i>ad valorem</i> .		December 31st, 1952."

(iii) in Item No. 15(10) in the entry in the second column, after the word "Stearine" the brackets and words "(Glyceride of Stearic Acid)" shall be inserted;

(iv) in Item No. 26, to the entry in the second column, the words "and antimony ore" shall be added;

(v) after Item No. 26, the following item shall be inserted, namely:—

26 (1)	Antimony ore in any form such as— (a) lump; (b) powder or fine; and (c) concentrates.	...	Free	...	...
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(vi) in Items Nos. 27(4) and 27(8)—

(a) in the entry in the second column, the words "by Abel's close test" shall be omitted;

(b) to the entry in the second column, the following Note shall be added, namely:—

"Note.—Flashing points will be determined in accordance with the tests laid down in the rules made under the Petroleum Act, 1934 (XXX of 1934)";

(vii) in Item No. 28(8), in the entry in the second column, the word "carbolic" shall be omitted;

(viii) for Item No. 28(20), the following Item shall be substituted, namely:—

"28(20)	(a) Acid oleic or any product containing 60 per cent. or more of free liquid fatty acids.	Protective	...	30 per cent <i>ad valorem.</i>	...	...	December 31st, 1951.
	(b) Acid stearic or any product containing 60 per cent. or more of free solid fatty acids.	Protective	...	30 per cent <i>ad valorem.</i>	...	...	December 31st, 1951.
	(c) Mixtures of (a) and (b) containing 60 per cent. or more of free fatty acids.	Protective	...	30 per cent <i>ad valorem.</i>	...	...	December 31st, 1951." ;

(ix) in Item No. 28(29), in the entry in the second column, after the word "phenol" the brackets and words "(carbolic acid)" shall be inserted;

(x) after Item No. 28(30), the following Item shall be inserted, namely:—

"28(31)	Calcium lactate— (a) of British manufacture	Protective	...	26 per cent <i>ad valorem.</i>	...	...	December 31st, 1953.
	(b) not of British manufacture: Provided that calcium lactate manufactured in a British Colony shall be deemed to be of British manufacture.	Protective	...	36 per cent <i>ad valorem.</i>	...	...	December 31st, 1953." ;

(xi) for Item No. 30(7), the following Item shall be substituted, namely:—

"30 (7)	Lead Pencils	Protective	...	30 per cent <i>ad valorem</i> or 3½ annas, per dozen, whichever is higher.	...	...	December 31st, 1952." ;
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(xii) after Item No. 45(3), the following Items shall be inserted, namely:—

"45(4)	Coloured and copying pencils	Protective	...	37½ per cent <i>ad valorem.</i>	...	...	December 31st, 1952.
45(5)	Fountain pen ink	Protective	...	37½ per cent <i>ad valorem.</i>	...	...	December 31st, 1953.

(xiii) in Items Nos. 46, 46(1), 47, 47(1) and 48, in the last column headed "Duration of protective rates of duty", for the word, figures and letters "March 31st, 1951", the word, figures and letters "March 31st, 1952" shall be substituted;

(xiv) after Item No. 71(7), the following Item shall be inserted, namely:—

"71(8)	Grinding wheels and segments	Protective	...	100 per cent <i>ad valorem.</i>	...	...	December 31st, 1951." ;
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(xv) after Item No. 71(10), the following Item shall be inserted, namely:—

"71(11)	Oil pressure lamps of 100 to 400 candle power, all sorts.	Protective	...	30 per cent <i>ad valorem.</i>	...	...	December 31st, 1953." ;
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(xvi) in Item No. 72(d), in the entry in the second column, after the words "any machinery above specified", the words "and also with squirrel cage electric motors of one-quarter of one brake horse power and above", shall be inserted;

(xvii) in Item No. 72(8), in the entry in the second column, after the words "seed and corn crushers" the words "seed and grain cleaners and graders" shall be inserted;

(xviii) in Item No. 72(25), to the entry in the second column, the following proviso shall be added, namely:

"Provided that articles which do not satisfy this condition shall also be deemed to be component parts of the machine or apparatus to which they belong if they are essential to its operation and are imported with it in such quantities as may appear to the Collector of Customs to be reasonable."

(xix) in Item No. 75(1), in the entry in the fifth column, for the figures "54", the figures "57" shall be substituted;

(xx) for Item No. 85, the following Item shall be substituted, namely:—

85	Buttons, studs and cuff links—	Protective	...	30 per cent <i>ad valorem.</i>	...	...	December 31st, 1953.
	(a) made of metals other than gold or silver.	Protective	...	35 per cent <i>ad valorem.</i>	...	...	December 31st, 1953.
	(b) made of porcelain	Protective	...	30 per cent <i>ad valorem.</i>	...	...	December 31st, 1953."
	(c) not otherwise specified but excluding jewellery, and articles made of glass or plated with gold or silver or both.						

4. Amendment of Act I of 1949.—In the Indian Tariff (Amendment) Act, 1949,—

(i) in sections 4 and 5, for the figures "1951" the figures "1954" shall be substituted; and

(ii) section 7 shall be omitted.

K. V. K. SUNDARAM, Secy

NOTIFICATION

No. L. D. 17—Legis. 2-50-73, Bangalore, dated the 4th April 1951.

Ordered that the accompanying Appropriation (Railways) No. 3 Act, 1951 (Central Act XIV of 1951) published in the *Gazette of India*, Part II, Section 1 dated the 30th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government, Law Department.*

Received Assent on 29th March 1951.

THE APPROPRIATION (RAILWAYS) No. 3 ACT, (XIV OF 1951)

AN ACT

to authorise payment and appropriation of a certain further sum from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1951 for the purposes of railways.

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Appropriation (Railways) No. 3 Act, 1951.

2. **Issue of Rs. 30,00,000 out of the Consolidated Fund of India for the year 1950-51.**—From and out of the Consolidated Fund of India there may be paid and applied a sum not exceeding thirty lakhs of rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1951, in respect of the services relating to railways specified in column 2 of the Schedule.

3. **Appropriation.**—The sum authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1951.

SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sum not exceeding		Total
		Voted by Parliament	Charged on the Consolidated Fund	
		Rs.		Rs.
7	Working Expense— Operation (Fuel)	30,00,000	...	30,00,000
	TOTAL ..	30,00,000	...	30,00,000

K. V. K. SUNDARAM, *Secy.*

PART IV 590

Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL
ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 31—Legis. 5-50-22, dated Bangalore, 10th April 1951.

Ordered that the accompanying Constitution (Distribution of Revenues) Order, 1951 (C. O. 28), published in the *Gazette of India*, Part II, Section 3, dated the 31st March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*

MINISTRY OF LAW

NOTIFICATION

New Delhi, the 31st March 1951.

S.R.O. 467.—The following Order made by the President is published for general information:—

C. O. 28.THE CONSTITUTION (DISTRIBUTION OF REVENUES)
ORDER, 1951.

In exercise of the powers conferred by articles 270, 273 and 275 of the Constitution of India and of all other powers enabling him in that behalf, the President is pleased to make the following Order, namely:—

1. (1) This Order may be called the Constitution (Distribution of Revenues) Order, 1951.

(2) It shall come into force on the first day of April, 1951.

2. The provisions of paragraphs 3 and 4 of the Constitution (Distribution of Revenues) Order, 1950, shall apply in relation to the year ending on the 31st day of March, 1952 as they apply in relation to the year ending on the 31st day of March, 1951, subject to the modification that in the table appended to paragraph 4 of the said Order entries relating to "Punjab" shall be omitted.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

PART IV

Section 2-B

591

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER
MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L. S. 236—L.W. 20-50-28, dated Bangalore, 16th April 1951.

In exercise of the powers conferred by Section 6 of the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948), His Highness the Maharaja of Mysore is hereby pleased to exempt the following establishments from the provisions of sub-section (1) of Section 11 of the said Act :—

All shops dealing mainly in medicines, surgical appliances, bandages or other medical requisites in so far as the sale of these articles is concerned.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
*Legal Remembrancer and
Secretary to Government,
Law Department.*

No. S. R. 8052—Regis. 27-50-2 dated Bangalore, the 31st March 1951

In exercise of the powers conferred by Section 78 of the Mysore Registration Act, 1903, as amended from time to time, His Highness the Maharaja of Mysore is pleased to direct that the table of Registration fees be revised as per the Schedule enclosed and that the revised scale of fees be levied with effect from 1st April 1951.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,
*Secretary to Government,
Revenue Department.*

PART III.

Table of Registration Fees under section 78 of the Mysore Registration Regulation, No. I of 1903.

The registration fees payable to the several offices of Registration in Mysore shall be as follows:—

I. (a) For registration of documents in books I and IV—

						Rs. a. p.
(1)	When the value does not exceed Rs.	10	0	4	6	
(2)	When the value exceeds Rs. 10 but does not exceed Rs. 25					0 7 0
(3)	Do 25 but does not exceed Rs.	50	0	9	0	
(4)	Do 50 do do	75	0	13	6	
(5)	Do 75 do do	100	1	2	0	
(6)	Do 100 do do	150	1	11	0	
(7)	Do 150 do do	200	2	4	0	
(8)	Do 200 do do	250	2	13	0	
(9)	Do 250 do do	300	3	6	0	
(10)	Do 300 do do	500	3	15	0	
(11)	Do 500 do do	750	4	8	0	
(12)	Do 750 do do	1,000	5	10	0	
(13)	Do 1,000 do do	2,500—For the first thousand as under Sub-Clause 12, and for every 500 or part thereof in excess of 1,000	Rs.	1	2	0
(14)	Do 2,500 but does not exceed to Rs. 5,000—For the first 2,500 as under Sub-Clause 13, and for every 500 or part thereof in excess of 2,500	Rs.	1	11	0	
(15)	Do 5,000 but does not exceed Rs. 25,000—For the first 5,000 as under Sub-Clause 14 and for every 1,000 or part thereof in excess of 5,000	Rs.	2	4	0	
(16)	Do 25,000 but does not exceed Rs. 50,000—For the first 25,000 as under Sub-Clause 15, and for every 1,000 or part thereof in excess of 25,000	Rs.	2	13	0	
(17)	Do 50,000—For the first 50,000 as under Sub-Clause 16, and for every 1,000 or part thereof in excess of Rs. 50,000	Rs.	3	6	0	

(b) The consideration expressed in a document is generally taken to be its value for determining the registration fee. Where no consideration is expressed, the value of the property dealt with as shown in the document is taken.

(c) The provisions of sections 5, 6, 20, 21, 23 and 25, of the Mysore Stamp Regulation and of the Indian Stamp Act, respectively, are applied *mutatis mutandis* to calculations of value for the purpose of determining the registration fee.

(d) In the case of leases the value is taken—

- (1) at the total rent for the whole term when the lease is for periods not exceeding one year ;
- (2) at the average annual rent when the lease is for periods exceeding one year ;
- (3) at one-fifth of the whole amount of rents payable for the first fifty years when the lease is perpetual.

In all cases where a fine or premium is paid or is made payable or money is advanced, that amount is also added to the value. When a lessee undertakes to pay assessment-quit-rent, etc., in addition to the rent, the said payment also is added to the rental value. If the rent is payable in kind and its money value is not specified in the lease, its value is taken to be the highest amount which the stamp borne by the document shall suffice to cover ; but if the lease bears no stamp or is exempt from stamp duty, the money value of the produce is calculated at the current market rates.

Where in agricultural leases for one year or less the rent is not fixed either in kind or in cash and the lease deed is unstamped, its value for purposes of registration is taken to be five times the assessment on the land the rent of which is secured by the instrument, when the survey assessment is specified in the lease.

(e) In the case of deeds of partition, the value of the separated share or shares on which the stamp duty is payable is taken as the value or consideration.

(f) When the value of the document is not specified :

In the case of all other documents in which neither the consideration for the transaction nor the value of the property affected is expressed; or in which it is only partially expressed the

value shall be the maximum amount which the stamp borne by the document is sufficient to cover, if the document is one which is liable to stamp duty at *ad valorem* rates. If the value cannot be determined from the stamp, as for instance when the deed is not liable to stamp duty, or is liable to duty at a fixed amount irrespective of the value of the transaction, or when the transaction is not susceptible of money valuation, the fee leviable shall be Rs. 6-12-0 provided that in cases where value of only a portion of the property or consideration is given and that value exceeds Rs. 1,500 the fee shall be levied on the value so expressed.

Note.—In the case of documents evidencing petty transactions incapable of valuation the Inspector-General of Registration may, if he considers that the levy of a fee of Rs. 6-12-0 would be productive of hardship, authorise Registering Officers to levy a lower fee, which however shall not be less than four annas and six pies.

(g) For registration of a document purporting to give collateral or auxiliary or additional or substituted security or security by way of further assurance, where the principle or primary mortgage is duly registered :—

Same fee as for the principle or primary mortgage.

(h) For document acknowledging receipt or payment of consideration on account of any previously registered document or for any receipt acknowledging payment of a debt or rent due under a previously registered document :—

Ad valorem fee as per Article 1A, subject to a maximum of Rs. 2-4-0, *vide* Government Notification No. Fl. 2366—Regis. 12-29-1, dated 25—26th September 1929.

(i) For a duplicate or counterpart of a document—

If registered at the same time as the original, Re. 0-4-6 per 100 words or part thereof, provided that if the fee to be recovered at the rate of Re. 0-4-6 per 100 words is higher than the ordinary fee for registration, the ordinary fee shall be charged.

(j) Certified copies of decrees, orders of courts and awards—

Ad valorem fee as per Article 1 (a).

For Registration of Adoption deed : —

(Whether or not the deed refers
to immovable property to which } Rs. 11-4-0.
the adoptee becomes entitled).

G. O. No. Fl. 1628—Regis. 29-41-2, dated the
2nd September 1942.

II. For registration of Wills and Authorities to
adopt—

(a) Opening a sealed cover and entering the contents
in Book III :—

Rs. 2-4-0 *plus* copying fee at the prescribed rate.

(b) Will or Authority to adopt presented open :—
Rs. 11-4-0. Provided that in the case of
Wills in which the value of the property dealt
with is mentioned and that the value does not
exceed Rs. 3,000 the registration fee shall be
as per *ad valorem* scale in Article 1 (a).

III. Sealed Covers (Book V).—

[a] For deposit and entry in Book V
of a sealed cover purporting to
contain a Will .. Rs. 3 6 0

[b] Withdrawal of any such cover .. Rs. 3 6 0

Article III—A. The registration fee for a deed of
cancellation or revocation shall be that liable on
the original document cancelled or revoked—
subject to a maximum of Rs. 5.

(G. O. No. Fl. 2250—Regis. 14-38-2, dated 16th
November 1938).

IV. Registration by a Registrar in cases other
than those in which a document is registered by a District
Registrar in consequence of the Sub-Registrar being a
party interested in the transaction to which such a
document relates—

Extra fee of Rs. 5 when registered under Section
30 (a) by any District Registrar and Rs. 10 when registered
by the District Registrar of Bangalore under Section
30 (b) of the Mysore Registration Regulation : Provided
that no extra fee shall be levied when the English docu-
ment is registered by a Registrar solely in consequence of
the language in which it is written being unknown to the
Sub-Registrar by whom it is properly registrable :

Provided also that no extra fee shall be levied for the registration of a counterpart or a duplicate of a document in respect of which extra fee has been paid, as above such counterpart or duplicate is presented for registration on the same day as the original document, when the original is also registered.

V. (a) (1) Memorandum under Sections 64, 65, 66 and 67 Rs. 1 2 0

(2) For each additional copy required for 100 words or part thereof Re. 0 4 6

(b) When a copy of instrument has to be sent to the Registrar of another district such copy should be charged for at the rate of Re. 0-4-6 per 100 words and additional fee of one rupee and two annas for each memorandum issuable under Section 66, must be levied and remitted to the Registrar.

VI. (a)—(i) Search for or inspection of a single entry or document—

For the first year in the Books of which search is made, for each entry or document Rs. 1 2 0

For every other year in the books of which search is continued for each entry or document Re. 0 4 6

(ii) General search for an inspection of any number of entries or documents relating to one and the same property or executed by or in favour of one and the same individual.

For the first year in the books of which search is made Rs. 2 4 0

For every other year in the books of which search is continued Re. 0 9 0

Note.—(1) The rates mentioned above as subject to a maximum of Rs. 5-10-0 and Rs. 11-4-0 in the cases of single and general searches, respectively, *vide* G.O. No. Fl. 1122—Regis. 26-26, dated 4th August 1927.

(2) Every application for the continuance of a search made after one week from the date of completion of that search will be treated as fresh application and the higher fees of Re. 1-2-0 or Rs. 2-4-0 respectively, will be charged for the first year in the books of which the search is desired to be continued.

Note.—(2) of Article VI (a) (ii) relating to fees for search under Section 57 of the Registration Regulation published in Notification No. P. 5552—Regis. 30-89-9, dated 6th January 1923 will be replaced by the following:—

“ Every application for the grant of a certified copy unless made at the time of registration of a document shall be considered as an application for search and charged accordingly, provided, however, that no fee for search shall be charged in respect of a document of which a copy is applied for when the names of claiming and executing parties, the nature of the document and the date of registration are shown in application for the copy.”

(Vide Notification No. Fl. C. 68—Regis. 41-25, dated 12th October 1926).

(4) The Inspector-General of Registration may, in his discretion remit in part the fee leviable under this article when it appears to him that the exaction of full fee would be productive of hardship.

VII. (1) (a) Granting certified copies or extracts from Registers, indexes or any documents (Sections 57 and 76) per 100 words or portion of 100 words. —

Re. 0-3-6, whether in English or Kannada.

(b) Granting of copy of map or plan.—

Re. 0-9-0, provided that the arrangements for and the cost of making such copies are made and borne by the person who applies for it.

(c) Granting copies of documents other than those mentioned above :—

At the rates prescribed in the rules issued by the Chief Court for the grant of copies in the Civil Court.

Note.—(1) Every figure, initial or abbreviation shall count as a word.

(2) Government Officers who may require to search the registers or to take copies of entries for *bona fide* public purposes shall be permitted to do so without payment of any fee.

(3) Copies of documents in languages other than in English or Kannada shall be charged at one anna per 100 words instead of 3 annas if a clerk knowing that language is employed in the Registration Office granting the copy. Also when a copy is printed at the expense of an applicant or when the applicant presents a printed copy of a document already registered and applies for a certified copy of the same, only the portion added in manuscript in the certified copy shall be charged for the ordinary rates of copying, and, in addition, a fixed fee of two annas shall be levied for comparing and certifying each copy.

(4) No charge shall be made for granting copies of reasons for refusal given by a Sub-Registrar.

VII. Powers of Attorney.—

	Rs.	a.	p.
(1) Registering a Power of Attorney ..	5	10	0
(2) Attesting a Special Power of Attorney ..	1	2	0
(3) Attesting a General Power of Attorney ..	2	4	0

Note.—(1) A single fee shall be levied for the attestation of a Power-of-Attorney whatever may be the number of signatories to it provided that all of them appear simultaneously for examination or execution. Where they do not so appear, a separate fee is levied for such set of persons appearing at the same time.

(2) The duplicate or the triplicate of a Power-of-Attorney presented for authentication shall be treated as a separate power and a separate attestation fee shall be levied for it.

IX. For filing translation Extra fee Rs. 1-2-0.

Note.—Filing copies of the orders, certificates and instruments referred to in Section 89 No fee.

X. (1) Issue of commission or attendance at a private residence or Jail.

(a) For registration of one or more documents executed by one and the same individual, or

(b) For the acceptance of registration of one or more documents executed in favour of one and the same individual or for the acceptance for deposit of a Will executed by an individual, or

(c) For the attestation of one or more Power-of-Attorney executed by one and the same individual.

(d) For the examination of one and the same individual under Section 33 or 38.

Rs. 11 4 0

Besides ordinary fee and travelling allowance.

(2) For the services of a female if required, extra fee as remuneration to her Rs. 5-10-0.

Note.—(1) Where two or more persons who are parties to the same document and who are entitled to exemption from attending the Registration Office reside together, or when two or more persons who are parties to the same document are confined in a Jail, only one attendance or commission fee shall be charged so far as those persons are concerned. In that event each such person shall be entitled to present for registration or attestation at such attendance any number of documents or Powers-of-Attorney or to admit execution of any number of documents presented for registration or to deposit a Will, without payment of any further attendance fee.

**Note.*—(2) "When in the course of attendance at a private residence a Registering Officer is required to record in respect of the

same instrument the admission of persons not entitled to the concession, the request, may, if possible, be complied with without the levy of any additional fee."

(Vide notification No. Fl. 5591—Regis. 6-32-7, dated 17th April 1933):

XI. For proceeding to and returning from a private residence or Jail, travelling allowance shall be allowed, at eight annas per mile to a Registrar and at 4 annas per mile to a Sub-Registrar or other persons deputed to take an examination.

XII. For the safe custody and return of documents.—

For each month or part of a month, during which a registered document is left unclaimed in a Registration Office, after the expiration of one month from the date of registry (to be paid before delivery of the document), four annas and six pies per month for documents of values up to Rs. 100 and nine annas per month for documents of values exceeding Rs. 100 or for documents in which no value is specified, subject to a maximum of Rs. 5-10-0 in any one case.

XIII. (1) For filing copies of memoranda relating to deposit of title-deeds received from Banks under Section 59, Clause (2), of the Transfer of Property Regulation: In cases where property mentioned in such memoranda are situated in more than one taluk or district and in cases where the property is not situated in the area to which Section 59 applies, Government are pleased to appoint the Registrar of Bangalore District as a Special Registrar for registering such memoranda and to exempt them from payment of the fees prescribed in paras 11 and 12 of the rules framed by Government under the Registration Regulation as regards fees payable thereunder.

Note.—Under Sub-Section (2) of Section 59 of the Transfer of Property Regulation, 1918, Government are pleased to extend the provisions of that Sub-Section to the whole of the areas comprised in the cities of Bangalore and Mysore.

(G. O. No. J. 4622—Legis. 43-17-3, dated 11th May 1918).

(2) On all documents registered, if containing more than 300 words, an additional fee at the rate of four annas and six pies per 100 words or fraction of 100 words is charged for the number above 300.

(3) If a document tendered for registration has one or more schedules appended to it, they are charged

for at the above rate according to the aggregate number of words contained in them.

(4) Special rates of fees for the registration of documents executed by or in favour of Agricultural Banks.

	Rs.	a.	p.
(a) When the value does not exceed Rs. 100 including schedules	0	9	0
(b) Exceeding Rs. 100 but not exceeding Rs. 1,000	1	2	0
(c) „ 1,000 but not exceeding Rs. 5,000	2	4	0
(d) In all other cases	4	8	0
(e) Searches	Free or		
	no fee.		
(f) Certified copies for 100 words	0	1	6
(g) Attesting Power-of-Attorney	0	4	6
(h) Private attendance	2	4	0
(i) Issue of commission	2	4	0
(j) Mileage to Registering Officers or others per mile.	0	2	0

(5) Fees[#] for registration, etc., of documents executed by or on behalf of any Co-operative Society for the time being registered under the Co-operative Societies Regulation or by an officer or member of such a society and relating to the business thereof.....half the fee.

(6) Fees for registration, etc., of documents executed by applicants and sureties in connection with loans obtained and arrangements entered into for the supply of machinery, etc., under the rules published with Government Notification No. G. 2146—G.M. 55-12-240, dated 2nd September 1913:

	Rs.	a.	p.
(a) When the value does not exceed Rs. 100 including schedule	0	9	0
(b) Exceeding Rs. 100 but not exceeding Rs. 1,000	1	2	0
(c) „ 1,000 5,000	2	4	0
(d) In all other cases	4	8	0
(e) Search	Free or		
	no fee.		
(f) Certified copies (per 100 words)	0	1	6
(g) Attesting Power-of-Attorney	0	4	6
(h) Private attendance	2	4	0
(i) Issue of commission	2	4	0
(j) Mileage to Registering Officers or others per mile	0	2	0

(7) For Registration, etc.: of instruments executed by or on behalf of or in favour of, the Mysore Palace.
Nil.

(8) Special rates for documents executed by applicants for loans to build and make other improvements for houses in the Mysore City and on those executed by their sureties.

	Rs.	a.	p.
(a) When the value does not exceed Rs. 100	...	0	9 0
(b) Exceeding Rs. 100 but not exceeding Rs. 1,000	...	1	2 0
(c) Search	...	Free	
(d) Certified copies per 100 words	...	0	1 6
(e) Attesting Power-of-Attorney	...	0	4 6
(f) Private attendance or issue of commission	...	2	4 0
(g) Mileage to Registering Officers or others per mile	...	0	2 0

(Notification No. P. 34—Regis. 37-4-3, dated 4th July 1922
No. P. 5552—Regis. 34-19-9, dated 6th January 1923 and
Notification No. S.R. 8058—Regis. 27-50-2, dated 31st March 1951).

No. C. 66—Co. 23-49-83, Bangalore, dated the 14th April 1951.

In exercise of the powers conferred by Section 3 and clause (a) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950, (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the schedule to Notification No. C. 3130—Co., dated the 3rd October 1949, namely :—

In respect of the drugs in the said schedule specified in column 1 hereunder which are manufactured by Eli Lilly and Company of India, Inc., Ciba Pharma Limited, Glaxo Laboratories, British Drug Houses (India) Ltd., Martin and Harris Ltd., Bombay ("Messrs. William R. Warner & Co., New York") and May and Baker

(India) Ltd., for the prices specified in column 2 of the said schedule, the prices specified in column 2 hereunder shall be substituted.

ELI LILLY AND COMPANY OF INDIA, INC.

	Rs.	a.	p.
'Betalin S' (Thiamin Chloride, Lilly) (scored) Tablets—			
5 mg. per 100	...	3	12 0
'Betalin S' (Thiamin Chloride, Lilly) (scored) Tablets—			
12 mg. per 100	...	7	8 0
'Duracillin, In Oil' (Crystalline Procaine Penicillin—G,			
in oil, Lilly), 300,000 units per cc.			
1 cc. rubber-stoppered ampoules—per ampoule	...	4	13 0
10 cc. rubber-stoppered ampoules—per ampoule	...	28	11 0
'Duracillin Fortified' (Procaine Penicillin—G and			
Penicillin—G, Crystalline—Sodium Lilly) Buffered			
for aqueous injection, 400,000 units in 1—dose,			
rubber-stoppered ampoules per ampoule	...	5	11 0
'Lextron' (Liver-Stomach Concentrate with Ferric Iron			
and Vitamin B Complex, Lilly) Pulvules—per 84	...	11	8 0

CIBA PHARMA LIMITED.

Formo—Cibazol 20 tabs.	...	3	8 0
De 200 „	...	31	8 0

GLAXO LABORATORIES.

Calci—Ostelin (Calcium with Vitamin D) Phials 15 c.c.	...	5	4 0
			each.

BRITISH DRUG HOUSES (INDIA) LTD.

Distaquaine—G (Procaine Penicillin Aqueous)—			
3-dose vials of 900,000 i. u. each	...	5	6 0
Vials of 3,000,000 i. u. each	...	15	0 0
Distaquaine Forte—			
Vials containing 300,000 i. u.			
Procaine Penicillin and 100,000 i. u.			
Potassium Penicillin—each	...	3	8 0

MARTIN AND HARRIS, LTD., BOMBAY.

"MESSRS. WILLIAM R. WARNER & CO., NEW YORK".			
Omni—Beta—4 oz.	...	11	8 0

MAY AND BAKER (INDIA), LTD.

'Penicillin Eye Ointment M. & B.—			
Tubes of 5 Gm. (Each Gm. contains 1,000 i. u. of			
Calcium Penicillin)	...	1	2 0

By Order of His Highness the Maharaja.

No. C. 89—Co. 23-49-35, dated Bangalore, 14th April 1951.

In exercise of the powers conferred by Section 3 and clause (a) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the notification No. C. 3130—Co., dated the 3rd October 1949, namely:—

In the schedule annexed to the said notification.—

(1) For the entry "Paludrine Hydrochloride—0.1 gm. 1 tablet" under the heading "Imperial Chemical Industries (India) Ltd."; the following entry shall be substituted, namely:—

"Paludrine Hydrochloride—0.1 gm. 1 tablet (when sold loose from 1 tin of 1,000 tablets.)"

(2) To the entries under the heading "Imperial Chemical Industries (India) Ltd.", the following entries shall be added, namely:—

'Paludrine' Hydrochloride.—

		Rs.	a.	p.
0.1 gm. tablet—containers of 30	...	1	12	0
Do do 100	...	3	8	0

(3) For the entry "Refined Tetanus Antitoxin for Prophylaxis" under the heading "Burroughs Welcome & Co.", the following entry shall be substituted, namely:—

"Welcome" Brand Tetanus Antitoxin—For prophylaxis—1500 International Units (1950) in 1 cc. [—3000 I.U. (1928)=1500 U.S.A. Units.]

(4) For the entry "Refined Tetanus Antitoxin for Treatment" under the heading "Burroughs Welcome & Co.", the following entry shall be substituted, namely:—

"Welcome" Brand Tetanus Antitoxin—For Treatment 10,000 International Units (1950) in 2 cc. (=2000 I.U. [(1928)—10000 U.S.A. Units.])

(5) To the entries under the heading "Eli Lilly and Company of India, Inc." the following entries shall be added, namely:—

	Rs.	a.	p.
Tablets 'Duracillin Buffered' (Procaine Penicillin—G, Buffered, Lilly), 50,000 units, per 12...	6	0	0
Tablets 'Duracillin Buffered' (Procaine Penicillin—G, Buffered, Lilly), 100,000 units, per 12...	11	4	0
Troches, Penicillin—G, Crystalline—Potassium, 5000 units—per 24	3	13	0
Ampoules 'Duracillin Fortified' Procaine Penicillin—G, and Penicillin—G, Crystalline—Sodium, Lilly), Buffered, for Aqueous Injection, 400,000 units—per 100	508	13	0
NPH Insulin, Lilly, U-40, 10 cc. vials—each	9	2	0
Do U-80, 10 cc. vials—each	17	6	0

(6) The following heading and entries shall be added, namely:—

MESSRS. INFA LIMITED, BOMBAY.

(MESSRS. BRISTOL LABORATORIES INC, SYRACUSE, NEW YORK.)

	Rs.	a.	p.
Streptomycin 1 gram vials	6	0	0
Pen-Aqua 1 cc. vials	5	0	0
Pen-Aqua 5 cc. vials	18	10	9
Flo-Cillin "96" 1 cc. vials	5	5	4
Flo-Cillin "96" 1 cc. cartridges with disposable syringe	6	10	9
Flo-Cillin "96" 10 cc. vials	33	5	4

(7) The following heading and entries shall be added, namely:—

MESSRS. CHOWGULE & CO., (HIND) LTD., BOMBAY.

(MESSRS. FARBENFABRIKEN BAYER, LEVERKUSEN, GERMANY.)

	Rs.	a.	p.
Dihydrostreptomycin Sulphate Bayer Bottle of 1 g.—per bottle	5	0	0
Penicillin 'Bayer' Crystalline G, Potassium—Bottles of 200000 I.U. per bottle	1	8	0
Penicillin 'Bayer' Crystalline G, Potassium—Bottles of 1000000 I.U. per bottle	4	10	0
Penicillin 'Bayer' Crystalline G, Sodium—Bottles of 200000 I.U. per bottle	1	8	0
Penicillin 'Bayer' Crystalline G, Sodium—Bottles of 1000000 I.U. per bottle	4	10	0
Rapidocillin Bayer (Depot Penicillin) 400000 I.U. Crystalline Procaine Penicillin G, Salt 300000 I.U. Buffered Crystalline Penicillin G, Potassium Salt 100000 I.U.	4	6	0

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

*Secretary to Government,
Food and Agriculture Departments.*



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[No. 17

PART IV

Section I-C.

**NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL
• ACTS AND ORDINANCES WHICH APPLY TO MYSORE.**

NOTIFICATION.

No. C. 134--C.O. 40-50-28, dated Bangalore, 19th April 1951.

Ordered that the following Notification No. PC-8 (1)—50, dated the 6th April 1951, of the Government of India, Ministry of Commerce and Industry, under the Supply and Prices of Goods Act, 1950 (LXX of 1950), be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

*Secretary to Government,
Food and Agricultural
Departments.*

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 6th April 1951.

No. PC-8 (1)/50.—In exercise of the powers conferred by sections 4, 7, 10 and 19 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the

Notification of the Government of India in the late Ministry of Industry and Supply, No. S.R.O. 504, dated the 2nd September 1950, namely:—

In the Schedule to the said notification in column 1 under the heading "Goods" for the figures "300" the figures "250" shall be substituted.

ORDER.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

P. S. SUNDARAM,

Under Secretary to the Government of India.

NOTIFICATION.

No. C. 136—C.O. 40-50-26, dated Bangalore, 18th April 1951.

Ordered that the following Notifications No. PC-20 (1)—51, each, dated the 3rd April 1951, of the Government of India, Ministry of Commerce and Industry, under the Supply and Prices of Goods Act, 1950 (LXX of 1950), be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

*Secretary to Government,
Food and Agricultural
Departments.*

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 3rd April 1951.

No. PC-20 (1) 51.—In exercise of the powers conferred by section 3 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the said Act shall apply to chrome ore.

ORDER.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of

the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

P. S. SUNDARAM,

Under Secretary to the Government of India.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 3rd April 1951.

No. PC-20 (1) 51.—In exercise of the powers conferred by section 22 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs, that the powers conferred on it by sections 4, 13 and 19 of the said Act shall, subject to any general or special order of the Central Government, be exercisable also in respect of chrome ore by the Iron and Steel Controller, Calcutta.

ORDER.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Audaman and Nicobar Islands, all Ministries of the Government of India, Cabinet Secretariat, Prime Minister's Secretariat, Secretary to the President, the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi, the High Commissioner for Pakistan in India, New Delhi, the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

P. S. SUNDARAM,

Under Secretary to the Government of India.

NOTIFICATION.

No. C. 138—C.O. 40-50-24, dated Bangalore, 19th April 1951.

Ordered that the following Notification No. 17 (2) P.C.—50, dated the 3rd Apr 1951, of the Government of India, Ministry of

Commerce and Industry, under the Supply and Prices of Goods Act, 1950 (LXX of 1950), be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

*Secretary to Government,
Food and Agricultural Departments.*

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 3rd April 1951.

No. 17 (2) PC-50.—In exercise of the powers conferred by section 6 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), and of all other powers enabling in this behalf, the Central Government hereby prescribes, for the purposes of the said section, the period specified in column 2 of the Schedule hereto annexed, in respect of the classes of Goods specified against them in column 1 thereof.

SCHEDULE.

<i>Goods.</i>	<i>Period.</i>
1. Caustic Soda and Soda Ash	6 months
2. Infants' foods	1 month

ORDER.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

B. B. SAKSENA,

*Deputy Secretary to the
Government of India.*

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. Fl. 269—S.T. 8-50-15, dated Bangalore, 19th April 1951.

In exercise of the powers conferred by section 25 of the Mysore Sales-Tax Act, 1948 (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to direct that the following further amendment shall be made in the Mysore Sales-Tax Rules, 1948, the draft amendment having been previously published in the *Mysore Gazette*, dated the 15th February 1951.

Amendment.

In the said rules, for rule 8, the following rule shall be substituted, namely:—

“8. Every licence granted or renewed under these rules shall be liable to cancellation by the licensing authority in the event of a breach of any of the provisions of the Act, or of the rules made thereunder or of the conditions of the licence. For the year in respect of which the licence of a person is so cancelled, he shall not be eligible for the grant of a fresh licence. But the licensing authority may grant a licence for any subsequent year notwithstanding the cancellation of the licence in respect of any previous year.”

By Order of His Highness the Maharaja,

M. SHAMANNA,

*Secretary to Government,
Finance Department.*

No. L. S. 252—L. W. 20-50-29, dated Bangalore, the 17th April 1951.

In exercise of the powers conferred by Rule 39 of the Mysore Shops and Establishments Rules, 1948, His Highness the Maharaja of Mysore is pleased to exempt

from the provision of Rule 31 of the said Rules all scheduled banks, as defined in the Reserve Bank of India Act, 1934, subject to the condition that the employer shall obtain the written statement of the person employed showing cause against the fine, before imposing a fine on him and make it available for inspection by the Inspector.

By Order of His Highness the Maharaja.

No. L. S. 254—L. W. 20-50-30, dated Bangalore, the 17th April 1951.

In exercise of the powers conferred by Rule 39 of the Mysore Shops and Establishments Rules 1948, His Highness the Maharaja of Mysore is pleased to exempt all scheduled banks, as defined in the Reserve Bank of India Act, 1934, from the operation of the rules requiring the maintenance of the following registers:—

- (1) Form II (Rule 5)
- (2) Form III & IV (Rules 12 and 13)
- (3) Form VIII (Rule 33)
- (4) Form XI & XII [Rule 37 (1) and (2)]
- (5) Form XIII (Rule 13).

By Order of His Highness the Maharaja.

No. L. S. 256—L. W. 20-50-31, dated Bangalore, the 17th April 1951.

In exercise of the powers conferred by Rule 39 of the Mysore Shops and Establishments Rules 1948, His Highness the Maharaja of Mysore is pleased to exempt all scheduled banks, as defined in the Reserve Bank of India Act, 1934, from the provisions of Rules 13 to 19 (both inclusive) and Rule 33 of the said Rules.

By Order of His Highness the Maharaja.

N. R. JAYA RAO,
*Legal Remembrancer and
 Secretary to Government,
 Law Department.*



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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

Vol. 86]

BANGALORE, THURSDAY, MAY 3, 1951.

[No. 18

PART IV

Section I A

BILLS INTRODUCED IN THE CENTRAL LEGISLATURE WHICH IF ENACTED WILL APPLY TO MYSORE AND THE REPORTS OF SELECT COMMITTEES, IF ANY, THEREON.

NOTIFICATION.

No. L.D. 98—Legis, 3-51-2, dated Bangalore. the 18th April 1951.

Ordered that the following representation of the People (Amendment) Bill, 1951 (Central Bill No. 32 of 1951) be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

The Representation of the People (Amendment) Bill, 1951.

(AS INTRODUCED IN PARLIAMENT)

A

BILL

further to amend the Representation of the People Act, 1950.

BE it enacted by the Parliament as follows :—

1. **Short title.**—This Act may be called the Representation of the People (Amendment) Act, 1951..

2. **Insertion of new section 3A in Act XLIII of 1950.**—After section 3 of the Representation of the People Act, 1950 (hereinafter referred to as the principal Act) the following section shall be inserted, namely :—

“3A. *Reservation of seats in the House of the People for scheduled castes and scheduled tribes in certain Part C States.*—(1) Of the seats in the House of the People allotted under section 3 to each of the States of Delhi, Himachal Pradesh and Vindhya Pradesh, one shall be reserved for the scheduled castes ; and of the seats so allotted to each of the States of Manipur and Vindhya Pradesh, one shall be reserved for the scheduled tribes.

(2) For the purposes of this Act, the castes specified in the Sixth Schedule shall be the scheduled castes in relation to the Part C State under which they are so specified, and the tribes specified in the Seventh Schedule shall be the scheduled tribes in relation to the Part C State under which they are so specified.”

3. **Addition of Sixth and Seventh Schedules to Act XLIII of 1950.**—After the Fifth Schedule to the principal Act, the following Schedules shall be inserted, namely :—

“SIXTH SCHEDULE

[See section 3A(2).]

(Scheduled Castes in certain Part C States)

Delhi

1. Adharmi	14. Dhanak.	27. Megwal.
2. Agria.	15. Dhobi.	28. Mochi.
3. Aheria.	16. Dom.	29. Nat (Rana).
4. Balai.	17. Gharami,	30. Perna.
5. Banjara.	18. Jatya or Jatav Chamar.	31. Pasi
6. Bawaria.	19. Julaha (Weaver).	32. Ram Dasia.
7. Bazigar.	20. Kachbandha.	33. Ravidasi or Raidasi
8. Bhangi.	21. Kanjar.	34. Rehgarh.
9. Bhil.	22. Khatik.	35. Sansi.
10. Chamar.	23. Koli.	36. Sapera.
11. Chanwar Chamar.	24. Lalbegi.	37. Singiwala or kalbe- lia.
12. Chohra (Sweeper).	25. Madari.	38. Sfikligar
13. Chubra (Balmiki).	26. Mallah.	39. Sirkiband.

Himachal Pradesh.

- | | |
|---|--------------------------|
| 1. Ad-dharmi. | 15. Koli. |
| 2. Bangali. | 16. Mazhabhi. |
| 3. Barar. | 17. Mochi. |
| 4. Bazigar. | 18. Nat. |
| 5. Balmiki or Chura or Bhangi or Sweeper. | 19. Od. |
| 6. Bhanjra. | 20. Pasi. |
| 7. Chamar. | 21. Phrera. |
| 8. Chanal. | 22. Rehar. |
| 9. Dagi. | 23. Ramdasi or Ravidasi. |
| 10. Daole. | 24. Sansi. |
| 11. Dhaki or Toori. | 25. Sapela. |
| 12. Doom or Doomna. | 26. Sikligar. |
| 13. Besi. | 27. Sirkiband. |
| 14. Kabirpanthi or Julaha or Keer. | |

Vindhya Pradesh.

- | | |
|---------------------|--------------------------------|
| 1. Baor (Bansphor). | 6. Kuchbandhia. |
| 2. Chamar. | 7. Mehtar or Bhangi or Dhanuk. |
| 3. Dom. | 8. Dahait. |
| 4. Domar or Doris. | 9. Mochi. |
| 5. Dharkar. | 10. Dher. |

SEVENTH SCHEDULE.

[See Section 3A (2).]

(Scheduled Tribes in Part C States.)

Manipur.

1. Any Kuki tribe.
2. Any Lushai tribe.
3. Any Naga tribe.

Vindhya Pradesh.

- | | |
|-------------|--------------|
| 1. Baiga. | 6. Khairwar. |
| 2. Panika. | 7. Majhi. |
| 3. Pac. | 8. Kamar. |
| 4. Agariya. | 9. Bhumiya. |
| 5. Gond. | 10. Mawasi. |

STATEMENT OF OBJECTS AND REASONS.

Articles 341 and 342 of the Constitution confer power on the President to specify the Scheduled Castes and the Scheduled Tribes, respectively, in relation to Part A and Part B States; and articles 330 and 332 provide for the reservation of seats for these Castes and Tribes in the House of the People and in the Legislative Assemblies of Part A and Part B States. There are no express provisions in the Constitution for the specification of the Scheduled Castes and the Scheduled Tribes in relation to Part C States, or for the reservation of seats in the House of the People for those Castes and Tribes. It is desirable that Parliament should make provision for such reservation in the case of those States where the numerical strength of these Castes and Tribes warrants it. Lists of such Castes and Tribes have been prepared for each Part C State, and their population estimated, on the same basis as that adopted in the case of Part A and Part B States. Applying the principle laid down in clause (2) of Article 330 of the Constitution, the States of Delhi, Himachal Pradesh, and Vindhya Pradesh are found to be entitled to the reservation of a seat each for the Scheduled Castes and the States of Manipur and Vindhya Pradesh are found to be entitled to the reservation of a seat each for the Scheduled Tribes.

This Bill accordingly seeks to amend the Representation of the People Act, 1950, by specifying the Scheduled Castes and Tribes in these States and providing for the reservation of seats for them in the House of the People.

NEW DELHI,

B. R. AMBEDKAR.

The 31st March, 1951.

PART IV

Section—1-B.

ACTS OF PARLIAMENT AND ORDINANCES OF THE
PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 152—Legis. 4-51-2, dated Bangalore, the 27th April 1951.

Ordered that the following the Appropriation (No. 2) Act, 1951 (Central Act No. XV of 1951), published in the *Gazette of India*, Part I, Section 1, dated the 21st April 1951, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
*Legal Remembrancer and
Secretary to Government,
Law Department.*

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 20-4-1951.

The Appropriation (No. 2) Act, 1951 (XV of 1951).

AN

ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1952.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Appropriation (No. 2) Act, 1951.

2. *Issue of Rs. 20,72,24,55,000 out of the Consolidated Fund of India for the year 1951-52.*—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Vote on Account) Act, 1951 (XII of 1951)] to the sum of two thousand and seventy-two crores, twenty-four lakhs and fifty-five thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1952, in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March 1952.

THE SCHEDULE

(See sections 2 and 3).

1 No. of vote	2 Services and purposes	3 Summs not exceeding		
		Voted by Parliament	Charged on the consolidated fund	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce and Industry ...	65,09,000	...	65,09,000
2	Industries ...	1,21,09,000	...	1,21,09,000
3	Commercial Intelligence and Statistics ...	48,41,000	...	48,41,000
4	Ministry of Communications ...	5,77,000	...	5,77,000
5	Indian Posts and Telegraphs Department (including Working Expenses) ...	32,85,40,000	1,27,37,000	34,12,77,000
6	Meteorology ...	85,72,000	...	85,72,000
7	Overseas Communications Service ...	73,17,000	2,78,000	75,95,000
8	Aviation ...	3,19,01,000	...	3,19,01,000
9	Ministry of Defence ...	25,38,000	...	25,38,000
10	Defence Services—Effective Army ...	1,40,25,74,000	...	1,40,25,74,000
11	Defence Services—Effective Navy ...	9,51,83,000	...	9,51,83,000
12	Defence Services—Effective Air Force ...	24,97,49,000	...	24,97,49,000
13	Defence Services—Non-effective Charges ...	15,55,19,000	7,000	15,55,26,000
14	Ministry of Education ...	33,56,000	...	33,56,000
15	Archæology ...	32,63,000	...	32,63,000
16	Other Scientific Departments ...	1,43,30,000	...	1,43,30,000
17	Education ...	1,25,82,000	...	1,25,82,000
18	Ministry of External Affairs ...	55,18,000	...	55,18,000
19	Tribal Areas ...	1,57,45,000	...	1,57,45,000
20	External Affairs ...	3,79,78,000	...	3,79,78,000
21	Ministry of Finance ...	1,18,37,000	...	1,18,37,000
22	Customs ...	1,83,41,000	...	1,83,41,000
23	Union Excise Duties ...	4,54,69,000	...	4,54,69,000
24	Taxes on Income including Corporation Tax ...	2,72,80,000	...	2,72,80,000
25	Opium ...	1,95,33,000	...	1,95,33,000
26	Stamps ...	1,03,34,000	5,41,000	1,08,75,000
27	Payments to other Governments, Depart- ments, etc. ...	6,10,000	...	6,10,000
28	Audit ...	3,98,20,000	12,86,000	4,11,06,000
29	Joint Stock Companies ...	5,51,000	...	5,51,000
30	Miscellaneous Departments ...	2,03,18,000	...	2,03,18,000
31	Currency ...	1,67,46,000	2,40,000	1,69,86,000
32	Mint ...	91,20,000	...	91,20,000
33	Superannuation Allowances and Pensions ...	2,89,16,000	5,25,000	2,94,41,000
34	Miscellaneous ...	25,84,92,000	5,000	25,84,97,000
35	Grants-in-aid to States ...	12,82,71,000	2,59,00,000	15,41,71,000
36	Miscellaneous Adjustments between the Union and State Governments ...	1,13,000	...	1,13,000
37	Resettlement and Development ...	3,69,35,000	...	3,69,35,000
38	Pre-partition payments ...	2,74,53,000	47,000	2,75,00,000
39	Extraordinary payments ...	9,31,00,000	...	9,31,00,000
	Charged—Interest on Debt and other obliga- tions and reduction or avoidance of Debt... ..	...	37,32,47,000	37,32,47,000
40	Ministry of Food and Agriculture ...	44,11,000	...	44,11,000
41	Forest ...	24,47,000	...	24,47,000
42	Survey of India ...	58,69,000	...	58,69,000
43	Botanical Survey ...	79,000	...	79,000
44	Zoological Survey ...	2,87,000	...	2,87,000
45	Agriculture ...	1,42,32,000	...	1,42,32,000
46	Civil Veterinary Services ...	23,28,000	...	23,28,000
47	Indian Dairy Department ...	5,98,000	...	5,98,000
48	Ministry of Health ...	7,29,000	...	7,29,000
49	Medical Services ...	43,16,000	...	43,16,000
50	Public Health ...	63,54,000	...	63,54,000
51	Ministry of Home Affairs ...	78,58,000	...	78,58,000
52	Cabinet ...	24,49,000	...	24,49,000
53	Police ...	96,92,000	...	96,92,000
54	Census ...	99,47,000	...	99,47,000
55	Civil Defence ...	1,20,000	...	1,20,000
56	Delhi ...	3,20,84,000	...	3,20,84,000
57	Ajmer ...	93,89,000	...	93,89,000
58	Andaman and Nicobar Islands ...	1,17,43,000	...	1,17,43,000
59	Ministry of Information and Broadcasting ...	82,23,000	...	82,23,000
60	Broadcasting ...	1,94,29,000	...	1,94,29,000
61	Ministry of Labour ...	26,65,000	...	26,65,000
62	Ministry of Law ...	1,87,37,000	...	1,87,37,000
63	Administration of Justice ...	2,01,000	8,46,000	10,47,000
64	Ministry of Natural Resources and Scientific Research ...	8,57,000	...	8,57,000

1	2	3		
		Sums not exceeding		
No. of vote	Services and purposes	Voted by Parliament	Charged on the consolidated fund	Total
		Rs.	Rs.	Rs.
65	Irrigation (including working expenses) Navigation, Embankment and Drainage Works met from Revenue.	28,97,000	91,000	29,88,000
66	Geological Survey	36,40,000	...	36,40,000
67	Mines	22,80,000	...	22,80,000
68	Scientific Research	1,62,75,000	...	1,62,75,000
69	Department of Parliamentary Affairs	88,000	...	88,000
70	Ministry of Rehabilitation	18,03,000	...	18,03,000
71	Expenditure on Displaced Persons	9,82,82,000	...	9,82,82,000
72	Ministry of States	10,23,000	...	10,23,000
73	Territorial and Political Pensions.	33,09,000	4,07,79,000	4,40,88,000
74	Kutch	56,80,000	...	56,80,000
75	Himachal Pradesh	1,44,20,000	...	1,44,20,000
76	Bilaspur	9,75,000	...	9,75,000
77	Bhopal	1,06,28,000	...	1,06,28,000
78	Vindhya Pradesh	1,94,52,000	...	1,94,52,000
79	Manipur	80,23,000	...	80,23,000
80	Tripura	72,92,000	...	72,92,000
81	Relations with States	44,56,000	...	44,56,000
82	Ministry of Transport	21,81,000	...	21,81,000
83	Ports and Pilotage	42,72,000	...	42,72,000
84	Lighthouses and Lightships	13,56,000	...	13,56,000
85	Central Road Fund	3,40,00,000	...	3,40,00,000
86	Communications (including National High-ways)	5,05,80,000	...	5,05,80,000
87	Ministry of Works, Production and Supply	16,28,000	...	16,28,000
88	Supplies	1,37,63,000	...	1,37,63,000
89	Salt	1,62,11,000	2,29,000	1,64,40,000
90	Other Civil Works	4,67,63,000	15,86,000	4,83,49,000
91	Stationery and Printing	64,87,000	...	64,87,000
92	Parliament	46,58,000	53,000	47,11,000
	Charged—Staff, Household and Allowances of the President	...	15,26,000	15,26,000
	Charged—Union Public Service Commission	...	17,80,000	17,80,000
93	Capital Outlay on Indian Posts and Telegraphs (not met from Revenue)	5,80,09,000	...	5,80,09,000
94	Capital Outlay on Indian Posts and Telegraphs—Stores Suspense (not met from Revenue)	1,000	...	1,000
95	Capital Outlay on Civil Aviation	1,92,00,000	...	1,92,00,000
96	Defence-Capital Outlay	12,97,00,000	...	12,97,00,000
97	Capital Outlay on the India Security Press	10,24,000	...	10,24,000
98	Capital Outlay on Industrial Development	10,56,08,000	...	10,56,08,000
99	Capital Outlay on Currency	40,000	...	40,000
100	Capital Outlay on Mints	33,36,000	...	33,36,000
101	Commuted Value of Pensions	34,53,000	...	34,53,000
102	Payments to Retrenched Personnel	3,45,000	...	3,45,000
103	Capital Outlay on Schemes of Government Trading	18,68,09,000	...	18,68,09,000
104	Capital Outlay on Development	10,91,72,000	...	10,91,72,000
105	Loans and Advances by the Central Government	18,97,05,000	62,61,50,000	76,58,55,000
	Charged—Repayment of Debt	...	15,10,08,09,000	15,10,08,09,000
106	Capital Outlay on Forests	23,50,000	...	23,50,000
107	Capital Outlay on Broadcasting	59,80,000	...	59,80,000
108	New Delhi Capital Outlay	1,09,66,000	...	1,09,66,000
109	Capital Outlay on Civil Works	6,39,54,000	...	6,39,54,000
	Total	4,53,37,93,000	16,18,86,62,000	20,72,24,55,000

NOTIFICATION.

No. L.D. 163--Legis. 4-51-4, dated Bangalore, 28th April 1951.

Ordered that the following Minimum Wages (Amendment) Act, 1951 (Central Act No. XVI of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 24th April 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,
N. R. JAYA RAO,
*Legal Remembrancer and
Secretary to Government,
Law Department.*

GOVERNMENT OF INDIA.
MINISTRY OF LAW.

Received Assent on 23rd April 1951.

THE MINIMUM WAGES (AMENDMENT) ACT, 1951 (XVI OF 1951).

AN
ACT

further to amend the Minimum Wages Act, 1948.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Minimum Wages (Amendment) Act, 1951.

2. Amendment of section 3, Act XI of 1948.—In sub-section (1) of section 3 of the Minimum Wages Act, 1948,—

(1) for clause (a), the following clause shall be substituted, namely :—

“(a) fix the minimum rates of wages payable to employees employed—

(i) in an employment specified in Part I of the Schedule at the commencement of this Act, before the 31st day of March 1952;

(ii) in an employment specified in Part II of the Schedule at the commencement of this Act, before the 31st day of December 1953; and

(iii) in an employment included in Part I or Part II of the Schedule by notification under section 27, from such date as may be specified in this behalf in the notification;”

(2) after the existing proviso, the following further proviso shall be inserted, namely :—

“Provided further that in the case of an employment referred to in sub-clause (ii) of clause (a), the appropriate Government may fix minimum rates of wages only for a part of the State or for any class or classes of such employment.”

K. V. K. SUNDARAM, Secy.

PART IV

Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL
ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

(HOME DEPARTMENT)

No. H.B. 918—Ptl. 3-51-3, dated Bangalore, 28th April 1951.

Ordered that the following Notification No. 9-1-51—F. II, dated the 9th April 1951, issued by the Government of India, Ministry of Home Affairs, New Delhi, be republished in the *Mysore Gazette*, for general information :

“In exercise of the powers conferred by section 3 of the Foreigners Act, 1946 (XXXI of 1946), the Central Government hereby directs that paragraph 15 of the Foreigners Order, 1948, shall be omitted.”

By Order of His Highness the Maharaja,

E. V. GANAPATI IYER,

Chief Secretary to Government.

NOTIFICATION.

No. L.D. 116—Legis. 6-54-1, dated Bangalore, 21st April 1951.

Ordered that the following Notifications No. S.R.O. 468 and 469, dated the 1st April 1951 of the Ministry of States under the Code of Civil Procedure, 1908, and the Code of Criminal Procedure, 1898, respectively, published in the *Gazette of India*, Part II, Section 3, dated the 1st April 1951, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and

Secretary to Government,

Law Department.

MINISTRY OF STATES.

NOTIFICATIONS.

New Delhi, the 1st April 1951.

S.R.O. 468.—In pursuance of clause (a) of sub-section (2) of section 87B of the Code of Civil Procedure, 1908 (Act V of 1908), the Central Government hereby specifies the former Indian States mentioned in the Schedule hereto annexed for the purposes of the said section.

THE SCHEDULE.

1	Athgarh	42	Loharu
2	Athmallik	43	Dujana
3	Bamra	44	Pataudi
4	Baramba	45	Banganapalle
5	Baudh	46	Pudukkottai
6	Bonai	47	Sandur
7	Daspalla	48	Ambaliara
8	Dhenkanal	49	Balasinor
9	Gangpur	50	Bansda
10	Hindol	51	Baria
11	Kalahandi	52	Bhaderwa
12	Keonjhar	53	Cambay
13	Khandpara	54	Chhota Udepur
14	Mayurbhanj	55	Danta
15	Narsinghpur	56	Dharampur
16	Nayagarh	57	Ghodasar
17	Nilgiri	58	Idar
18	Pal Lahara	59	Ilol
19	Patna	60	Jambughoda
20	Rairakhhol	61	Jawhar
21	Ranpur	62	Khadal
22	Sonepur	63	Katosan
23	Talcher	64	Lunawada
24	Tigiria	65	Malpur
25	Kharsawan	66	Mohanpur
26	Seraikella	67	Mansa
27	Nandgaon	68	Palanpur
28	Bastar	69	Pundara
29	Kanker	70	Radhanpur
30	Udaipur (Madhya Pradesh)	71	Ranasan
31	Sakti	72	Rajpipla
32	Chhuikhadan	73	Sachin
33	Raigarh	74	Sant
34	Kawardha	75	Sudasma
35	Sarangarh	76	Surgana
36	Korea	77	Valasna
37	Khairagarh	78	Varsoda
38	Surguja	79	Vasna
39	Jaspur	80	Vijayanagar
40	Changbhakar	81	Wao
41	Makrai	82	Sanjeli

83	Tharad	137	Kathiwarā
84	Vakhtapur	138	Khilchipur
85	Likhi	139	Kurwai
86	Mandwa	140	Narsingarh
87	Dedhrota	141	Rajgarh
88	Hapa	142	Ratlam
89	Sathamba	143	Sailana
90	Umeta	144	Sitamaū
91	Magodi	145	Mathwar
92	Palaj	146	Piploda
93	Tajpuri	147	Pathari
94	Kurundwad (Senior)	148	Muhammadgarh
95	Kurundwad (Junior)	149	Nimkhera
96	Akalkot	150	Jamnia
97	Savanur	151	Rajgarh
98	Miraj (Senior)	152	Khaniadhana
99	Miraj (Junior)	153	Alwar
100	Mudhol	154	Bharatpur
101	Phaltan	155	Dholpur
102	Sangli	156	Karauli
103	Aundh	157	Banswara
104	Ramdurg	158	Bundi
105	Bhor	159	Dungarpur
106	Jamkhandi	160	Jhalawar
107	Jath	161	Kishengarh
108	Sawantwadi	162	Kotah
109	Wadi Jagir	163	Mewar
110	Janjira	164	Partabgarh
111	Baroda	165	Shahpura
112	Kolhapur	166	Tonk
113	Tehri Garhwal	167	Jaipur
114	Benaras	168	Jaisalmēr
115	Rampur	169	Bikaner
116	Cooch Behar	170	Jodhpur
117	Patiala	171	Lawa
118	Kapurthala	172	Kushalgarh
119	Nabha	173	Nimrana
120	Jind	174	Sirohi
121	Faridkot	175	Nawanagar
122	Kalsia	176	Bhavnagar
123	Nalagarh	177	Porbandar
124	Malerkotla	178	Dhrangadhra
125	Travancore	179	Morvi
126	Cochin	180	Gondal
127	Gwalior	181	Jafrabad
128	Indore	182	Wankaner
129	Alirajpur	183	Palitana
130	Barwani	184	Dhol
131	Dewas (Senior)	185	Limbdi
132	Dewas (Junior)	186	Rajkot
133	Dhar	187	Wadhwan
134	Jaora	188	Lakhtar
135	Jhabua	189	Salya
136	Jobat	190	Chuda

191 Vala
 192 Jasdan
 193 Amarnagar (Thana Devli)
 194 Vadia
 195 Lathi
 196 Muli
 197 Bajana
 198 Virpur
 199 Malia
 200 Kotda Sangani
 201 Jetpur
 202 Bilkha
 203 Patdi
 204 Khirasra
 205 Vanod
 206 Barwala
 207 Katodia
 208 Lodhika
 209 Vasavad
 210 Jalia Devani
 211 Zainabad
 212 Vithalgadh
 213 Tharoch
 214 Chamba
 215 Mandi
 216 Suket
 217 Keonthal
 218 Sirmur
 219 Baghat
 220 Balsan
 221 Bashahr
 222 Jubbal
 223 Mahlog
 224 Dhami
 225 Bhajji
 226 Kuthar
 227 Kumarsain
 228 Baghal
 229 Mangal
 230 Kunihar
 231 Darkoti
 232 Sangri
 233 Beja
 234 Delath
 235 Ratesh
 236 Rawingarh
 237 Dhadi

238 Ghund
 239 Khanet
 240 Madhan
 241 Theog
 242 Koti
 243 Bhopal
 244 Bilaspur
 245 Kutch
 246 Tripura
 247 Manipur
 248 Ajaigarh
 249 Baoni
 250 Baraundha
 251 Bijawar
 252 Chhatarpur
 253 Charkhari
 254 Datia
 255 Maihar
 256 Nagod
 257 Orchha
 258 Panna
 259 Rewa
 260 Samthar
 261 Alipura
 262 Banka Pahari
 263 Beri
 264 Bhaisaunda
 265 Bihat
 266 Bijna
 267 Dhurwai
 268 Garrauli
 269 Gaurihar
 270 Jaso
 271 Jigni
 272 Kamta Rajaula
 273 Kothi
 274 Lugasi
 275 Naigawan Rebai
 276 Pahara
 277 Poldeo (Nayagaon)
 278 Sarila
 279 Sohawal
 280 Taraon
 281 Tori Fatehpur
 282 Hyderabad
 283 Mysore
 284 Jammu and Kashmir

S.R.O. 469.—In pursuance of clause (a) of sub-section (1) of section 197A of the Code of Criminal Procedure, 1898 (Act V of 1898), the Central Government hereby specifies the former Indian States mentioned in the Schedule hereto annexed for the purposes of the said section.

THE SCHEDULE.

1 Athgarh	48 Ambaliara
2 Athmallik	49 Balasinor
3 Bamra	50 Bansda
4 Baramba	51 Baria
5 Baudh	52 Bhaderwa
6 Bonai	53 Cambay
7 Daspalla	54 Chhota Udepur
8 Dhenkanal	55 Danta
9 Gangpur	56 Dharampur
10 Hindol	57 Ghodasar
11 Kalahandi	58 Idar
12 Keonjhar	59 Ilol
13 Khandpara	60 Jambughoda
14 Mayurbhanj	61 Jawhar
15 Narsinghpur	62 Khadal
16 Nayagarh	63 Katosan
17 Nilgiri	64 Lunawada
18 Pal Lahara	65 Malpur
19 Patna	66 Mohanpur
20 Rairakhol	67 Mansa
21 Rampur	68 Palanpur
22 Sonepur	69 Punadra
23 Talcher	70 Radhanpur
24 Tigiria	71 Ranasan
25 Kharsawan	72 Rajpipla
26 Seraikella	73 Sachin
27 Nandgaon	74 Sant
28 Bastar	75 Sudasna
29 Kanker	76 Surgana
30 Udaipur (Madhaya Pradesh)	77 Valasna
31 Sakti	78 Varsoda
32 Chhuikhadan	79 Vasna
33 Raigarh	80 Vijayanagar
34 Kawardha	81 Wao
35 Sarangarh	82 Sanjeli
36 Korea	83 Tharad
37 Khairagarh	84 Vakhtapur
38 Surguja	85 Likhi
39 Jashpur	86 Mandwa
40 Changbhakar	87 Dedhrota
41 Makrai	88 Hapa
42 Loharu	89 Sathamba
43 Dujana	90 Umata
44 Pataudi	91 Magodi
45 Banganapalle	92 Palaj
46 Pudukkottai	93 Tajpuri
47 Sandur	94 Kurundwad (Senior)

95	Kurundwad (Junior)	149	Nimkhera
96	Akalkot	150	Jamnia
97	Savanur	151	Rajgarh
98	Miraj (Senior)	152	Khaniadhana
99	Miraj (Junior)	153	Alwar
100	Mudhol	154	Bharatpur
101	Phaltan	155	Dholpur
102	Sangli	156	Karauli
103	Aundh	157	Banswara
104	Ramdurg	158	Bundi
105	Bhor	159	Dungarpur
106	Jamkhandi	160	Jhalawar
107	Jath	161	Kishengarh
108	Sawantwadi	162	Kotah
109	Wadi Jagir	163	Mewar
110	Janjira	164	Partabgarh
111	Baroda	165	Shahpura
112	Kolhapur	166	Tonk
113	Tehri Garhwal	167	Jaipur
114	Benaras	168	Jaisalmer
115	Rampur	169	Bikaner
116	Cooch Behar	170	Jodhpur
117	Patiala	171	Lawa
118	Kapurthala	172	Kushalgarh
119	Nabha	173	Nimrana
120	Jind	174	Sirohi
121	Fatidkot	175	Nawanagar
122	Kalsia	176	Bhavnagar
123	Nalagarh	177	Porbandar
124	Malerkotla	178	Dhrangadhra
125	Travancore	179	Morvi
126	Cochin	180	Gondal
127	Gwlior	181	Jafrabad
128	Indore	182	Wankaner
129	Alirajpur	183	Palitana
130	Barwani	184	Dhrol
131	Dewas (Senior)	185	Limbdi
132	Dewas (Junior)	186	Rajkot
133	Dhar	187	Wadhwan
134	Jaora	188	Lakhtar
135	Jhabua	189	Sayla
136	Jobat	190	Chuda
137	Kathiwar	191	Vala
138	Khilchipur	192	Jasdan
139	Kurwai	193	Amarnagar (Thana Devli)
140	Narsingarh	194	Vadia
141	Rajgarh	195	Lathi
142	Ratlam	196	Muli
143	Sailana	197	Bajana
144	Sitamau	198	Virpur
145	Mathwar	199	Malia
146	Piploda	200	Kotda Sangani
147	Pathari	201	Jetpur
148	Muhammadgarh	202	Bilkha

203	Patdi	244	Bilaspur
204	Khirasra	245	Kutch
205	Vanod	246	Tripura
206	Barwala	247	Manipur
207	Katodia	248	Ajaigarh
208	Lodhika	249	Baoni
209	Vasavad	250	Baraundha
210	Jalia Devani	251	Bijawar
211	Zainabad	252	Chhatarpur
212	Vithalgadh	253	Charkhari
213	Tharoch	254	Datia
214	Chamba	255	Maihar
215	Mandi	256	Nagod
216	Suket	257	Orchha
217	Keonthal	258	Panna
218	Sirmur	259	Rewa
219	Baghat	260	Samthar
220	Balsan	261	Alipura
221	Bashahr	262	Banka Pahari
222	Jubbal	263	Beri
223	Mahlog	264	Bhaisaunda
224	Dhami	265	Bihat
225	Bhajji	266	Bijna
226	Kuthar	267	Dhurwai
227	Kumarsain	268	Garrauli
228	Baghal	269	Gaurihar
229	Mangal	270	Jaso
230	Kunibar	271	Jigni
231	Darkoti	272	Kamta Rajaula
232	Sangri	273	Kothi
233	Beja	274	Lugasi
234	Delath	275	Naigawan Rebai
235	Ratesh	276	Pahara
236	Rawingarh	277	Paldeo (Nayagaon)
237	Dhadi	278	Sarila
238	Ghund	279	Sohawal
239	Khaneti	280	Taraon
240	Madhan	281	Tori Fatehpur
241	Theog	282	Hyderabad
242	Koti	283	Mysore
243	Bhopal	284	Jammu and Kashmir

[No. 56-P(B)]

N. M. BUCH, Jt. Secy.

NOTIFICATION.

No. L.D. 117—Legis 6-50-93, dated Bangalore, 23rd April 1951.

Ordered that the following Notification No. Fac. 52 (8), dated 20th March 1951, of the Ministry of Labour extending the Payment of Wages Act, 1936 (Central Act No. IV of 1936) with effect from 15th June 1951, to mines other than coal-mines, published in the *Gazette of India*, Part II, Section 3, dated the 31st March 1951, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 20th March 1951.

NOTIFICATION.

No. Fac. 52 (8).—In exercise of the powers conferred by sub-section (5) of section 1 read with section 24 of the Payment of Wages Act, 1936 (IV of 1936), the Central Government hereby extends with effect from the 15th June 1951 the provisions of the said Act, except sub-section (4) of section 8 thereof, to the payment of wages to all classes of persons employed in mines, other than coal-mines, to which the Indian Mines Act, 1923 (IV of 1923), applies, three months' notice of its intention of so doing having been given as required by the said sub-section (5) of section 1.

S. NEELAKANTAM, Dy. Secy.

NOTIFICATION.

No. L.D. 145—Legis. 4-50-114, dated Bangalore, 25th April 1951.

Ordered that the following Notification No. S. R. O. 465 (1), dated the 31st March 1951, of the Ministry of Commerce and Industry amending the Newsprint Control Order, 1951, published in

the *Gazette of India*, Part II, Section 3, dated the 31st March 1951, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 31st March 1951.

S.R.O. 465(1).—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the Newsprint Control Order, 1951, namely :—

In the said Order :—

(a) in clause 5—

(i) in sub-clause (2) for the figures " 372 ", in both the places where they occur, the figures " 336 " shall be substituted.

(ii) the following provisos shall be added, namely :—

Provided that where a weekly edition of a daily newspaper of any class is priced higher than the daily issue of such a newspaper, the weekly edition shall contain the number of pages allotted to a weekly newspaper of that price and the corresponding class, and for the purpose of calculating the quota for the remaining issues of such a newspaper it shall be treated as a daily newspaper of the corresponding class published on 6 days.

Provided further that the total number of pages in all the issues of such a newspaper published during a week (including the higher priced issue) shall not exceed the total number of pages allotted to a daily newspaper of that class and price published on 7 days.

(b) for Schedule I, the following Schedule shall be substituted, namely.

SCHEDULE I

(See clause 5)

Quota of pages for one week in the case of daily and weekly newspaper.

Daily newspaper published on 7 days in a week.

Price in Annas	Class A (432 sq. inches or less than 432 sq. inches but not less than 336 sq. inches)	Class B (less than 336 sq. inches but not less than 200 sq. inches)	Class C (less than 200 sq. inches but not less than 150 sq. inches)	Class D (less than 150 sq. inches but not less than 75 sq. inches)	Class E (less than 75 sq. inches)
Less than $\frac{1}{4}$	...	...	14	20	42
Not less than $\frac{1}{4}$ but less than $\frac{1}{2}$	...	14	28	42	84
Not less than $\frac{1}{2}$ but less than $1\frac{1}{2}$	...	26	40	52	166
Not less than $1\frac{1}{2}$ but less than 2	...	38	56	76	228
Not less than 2 but less than $2\frac{1}{2}$	...	50	74	100	300
Not less than $2\frac{1}{2}$	...	60	90	120	360

Daily newspaper published on 6 days in a week.

Price in Annas	Class A	Class B	Class C	Class D	Class E
Less than $\frac{1}{4}$	...	...	12	18	36
Not less than $\frac{1}{4}$ but less than $\frac{1}{2}$	...	12	24	36	72
Not less than $\frac{1}{2}$ but less than $1\frac{1}{2}$	...	22	34	44	132
Not less than $1\frac{1}{2}$ but less than 2	...	32	48	64	192
Not less than 2 but less than $2\frac{1}{2}$	...	42	64	84	252
Not less than $2\frac{1}{2}$	...	50	76	100	300

Weekly newspapers.

Price in Anna	Class A	Class B	Class C	Class D	Class E
Less than $\frac{1}{4}$	...	...	2	4	6
Not less than $\frac{1}{4}$ but less than $\frac{1}{2}$	...	...	4	6	12
Not less than $\frac{1}{2}$ but less than $1\frac{1}{2}$	...	4	8	12	24
Not less than $1\frac{1}{2}$ but less than 2	...	6	10	18	36
Not less than 2 but less than $2\frac{1}{2}$	...	8	12	24	48
Not less than $2\frac{1}{2}$ but less than 3	...	10	16	20	60
Not less than 3 but less than 4	...	12	18	24	72
Not less than 4	...	16	24	32	96

[No. LI-N-1/51.]

S. BHOTHALINGAM, Joint Secy.

NOTIFICATION.

No. L.D. 146—Legis. 5-51-1, dated Bangalore, 25th April 1951.

Ordered that the following Notification No. S. R. O. 509, dated the 5th April 1951, of the Ministry of Commerce and Industry amending the Newsprint Control Order, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 5th April 1951, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

*Legal Remembrancer and
Secretary to Government,
Law Department.*

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 5th April 1951.

S.R.O. 509.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the Newsprint Control Order, 1951, namely:—

In the second proviso to clause 5 of the said Order, for the words from "shall not exceed" to "published on 7 days," the following shall be substituted, namely:—

"shall not exceed—

- (a) if the newspaper belongs to Class A. 60 pages;
- (b) if the newspaper belongs to Class B. 90 pages;
- (c) if the newspaper belongs to Class C. 120 pages;
- (d) if the newspaper belongs to Class D. 180 pages; and
- (e) if the newspaper belongs to Class E. 360 pages."

[No. LI-N-1/50.]

S. BHOOHALINGAM, Joint Secy.

NOTIFICATION.

No. C. 171—Co. 8-51-2, dated Bangalore, 26th April 1951.

Ordered that the following Notification No. S. R. O. 418, dated 24th March 1951, issued by the Government of India, Ministry of Commerce and Industry under the Cotton Textiles (Control) Order, 1948, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 24th March 1951.

S. R. O. 418.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely:—

In sub-clause (3) of clause 21 of the said Order for paragraph (b), excluding the Explanation, the following shall be substituted, namely:—

“(b) No producer having a spinning plant shall pack—

- (i) during March 1951, a quantity of cloth intended for sale in India less than 60 per cent of the total quantity of cloth packed by him in the same month;
- (ii) during each of the months of April, May and June 1951, a quantity of cloth intended for sale in India less than 90 per cent of the total quantity of cloth packed by him in that month;
- (iii) during March 1951 and in every subsequent month a quantity of yarn intended for sale in India less than 87½ per cent of the total quantity of yarn packed by him in the same month.”

[No. 9(4)-CT/51-3.]

S. A. TECKCHANDANI, Under Secy.

NOTIFICATION.

No. C. 185—Co. 40-50-80, dated Bangalore, 27th April 1951.

Ordered that the following Notification No. P.C.-8(3)—50, dated the 18th April 1951 of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950 (LXX of 1950), be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

*Secretary to Government,
Food and Agriculture Departments.*

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 18th April 1951.

No. P.C.-8 (3)—50. In exercise of the powers conferred by Sections 7 and 19 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the Notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 979, dated the 27th November 1950, namely:—

In the Schedule to the said notification for the words "Electric bulbs" the words, brackets and letters "Electric bulbs (G.L.S.)" shall be substituted.

ORDER.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

P. S. SUNDARAM,

Under Secretary to the Government of India.

PART IV

Section 2-A.

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON,
AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

No. L. D. 185—Legis. 17-51-1, Bangalore dated 1st May 1951.

Ordered that the accompanying Mysore Excise (Amendment) Act, 1951 which received the assent of His Highness the Maharaja, on the 22nd day of April 1951, be published as Act No. XIII of 1951, in the *Mysore Gazette* for general information.

MYSORE ACT No. XIII OF 1951.

THE MYSORE EXCISE (AMENDMENT) ACT, 1951.

*(Received the assent of His Highness the Maharaja
on the 22nd day of April 1951.)*

An Act further to amend the Mysore Excise Act, 1901.

WHEREAS it is expedient further to amend the Mysore Excise Act, 1901, (Mysore Act V of 1901), for the purpose hereinafter appearing; Preamble.

It is hereby enacted as follows.—

1. (1) This Act may be called the Mysore Excise (Amendment) Act, 1951. Short title and commencement.

(2) It shall come into force at once.

2. After clause (1) of section 3 of the Mysore Excise Act, 1901, (hereinafter referred to as the said Act), the following clause shall be inserted, namely:— Amendment of section 3 of Mysore Act V of 1901.

“(1-A) ‘Government’ means the State Government”;

Substitution
of a new
section for
section 13-A
of Mysore Act
V of 1901.

3. For section 13-A of the said Act, the following section shall be substituted, namely:—

Prohibition of
possession of
any liquor or
intoxicating
drug.

"13-A. Notwithstanding anything contained in section 13, the Government may, by notification in the *Mysore Gazette*, prohibit the possession by any individual or class or body of individuals or the public generally either throughout the State of Mysore or in any local area, of any liquor or intoxicating drug either absolutely or subject to such conditions as may be prescribed."

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and

Secretary to Government,

Law Department.